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U.S. Congress. House.
Committee on Interstate...

Pierhead line, New York
Harbor

Washington

1913

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William C. Adamson, chairman of committee.

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PIERHEAD LINE, NEW YORK HARBOR

HEARINGS

BEFORE THE

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE

HOUSE OF REPRESENTATIVES
SIXTY-SECOND CONGRESS, THIRD SESSION

ON

H. R. 26677 AND H. R. 28354

JANUARY 24, 1913

308

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Box 591



WASHINGTON
GOVERNMENT PRINTING OFFICE
1913

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE.

HOUSE OF REPRESENTATIVES, SIXTY-SECOND CONGRESS.

WILLIAM C. ADAMSON, Georgia, *Chairman*.

WILLIAM RICHARDSON, Alabama.	SAMUEL W. GOULD, Maine.
THETUS W. SIMS, Tennessee.	FRANK E. DOREMUS, Michigan.
WILLIAM R. SMITH, Texas.	J. H. GOEKE, Ohio.
ROBERT F. BROUSSARD, Louisiana.	FREDERICK C. STEVENS, Minnesota.
HENRY M. GOLDFOGLE, New York.	JOHN J. ESCH, Wisconsin.
COURTNEY W. HAMLIN, Missouri.	JOSEPH R. KNOWLAND, California.
ADOLPH J. SABATH, Illinois.	WILLIAM M. CALDER, New York.
JOHN A. MARTIN, Colorado.	EDWARD L. HAMILTON, Michigan.
J. HARRY COVINGTON, Maryland.	MICHAEL E. DRISCOLL, New York.
WILLIAM A. CULLOP, Indiana.	EBEN W. MARTIN, South Dakota.

WILLIS J. DAVIS, *Clerk*.

PIERHEAD LINE, NEW YORK HARBOR.

COMMITTEE ON INTERSTATE AND FOREIGN COMMERCE,
HOUSE OF REPRESENTATIVES,
Washington, D. C., January 24, 1913.

The committee assembled at 10 o'clock a. m., Hon. William C. Adamson (chairman) presiding.

The CHAIRMAN. The hearing set for to-day is on Mr. Goldfogle's bill (H. R. 28354), and the original Sulzer bill on the same subject (H. R. 26677), to extend the pierhead lines in New York Harbor, in the Hudson River; and as the House meets at 11 o'clock to-day, we will proceed at once.

Mr. GOLDFOGLE. Mr. Chairman, I think the best way would be to have some of those gentlemen who represent the interests affected by this bill heard now. The purpose of the bill, I think, is fully understood by the committee. It is to extend the pierhead lines in New York City, on the Hudson River. I observe Judge MacLean, formerly a judge of the Supreme Court of our State, present. Perhaps Judge MacLean would like to be heard first.

The CHAIRMAN. Now, before you proceed, gentlemen, I will ask the stenographer to put in the record at this point these two statutes, first, section 12 of the river and harbor act of 1888 (p. 425, vol. 25, U. S. Stat. L.); and also section 11 of the river and harbor act of March 3, 1899.

The sections referred to are as follows:

[Section 12 of act of Aug. 11, 1888.]

SEC. 12. Where it is made manifest to the Secretary of War that the establishment of harbor lines is essential to the preservation and protection of harbors, he may, and is hereby, authorized to cause such lines to be established, beyond which no piers, wharves, bulkheads, or other works shall be extended or deposits made, except under such regulations as may be prescribed from time to time by him.

[Section 11 of act of Mar. 3, 1899.]

SEC. 11. That where it is made manifest to the Secretary of War that the establishment of harbor lines is essential to the preservation and protection of harbors, he may be, and is hereby, authorized to cause such lines to be established, beyond which no piers, wharves, bulkheads, or other works shall be extended or deposits made, except under such regulations as may be prescribed from time to time by him: *Provided*, That whenever the Secretary of War grants to any person or persons permission to extend piers, wharves, bulkheads, or other works, to or make deposits in any tidal harbor or river of the United States beyond any harbor lines established under authority of the United States, he shall cause to be ascertained the amount of tide water displaced by any such structure or by any such deposits, and he shall, if he deem it necessary, require the parties to whom the permission is given to make compensation for such displacement either by excavating in some part of the harbor, including tide-water channels between high and low water mark, to such an extent as to create a basin for as much tide water as may be displaced by such structure or by such deposits, or in any other mode that may be satisfactory to him.

The CHAIRMAN (continuing). Now, these two sections, gentlemen, absolutely delegate to the Secretary of War authority to pass upon all such applications; and in view of those statutes, I would like to hear any of you gentlemen explain the necessity for such a measure as covered by these bills. Judge MacLean, you say, will take the stand first, Mr. Goldfogle?

Mr. GOLDFOGLE. But, Mr. Chairman, those acts do not take away from Congress the right to fix the lines.

The CHAIRMAN. Congress can always take back what it has done, but it is appropriate for these gentlemen to show the committee whether this is a proper occasion for it to do that.

Mr. HAMLIN. If the Secretary of War has already got that authority, what is the use of Congress doing anything?

Mr. GOLDFOGLE. I think the grave necessities for the passage of the bill will appear from the statements made here—the large increase of commerce and the immense increase of population in New York.

The CHAIRMAN. What I will call your attention to is that in the line of that statute in this case the burden is on the advocates of the bill to show that it is necessary for Congress to reassume jurisdiction in this case.

Mr. GOLDFOGLE. I think the necessities will appear from what these gentlemen present can tell you.

The CHAIRMAN. It is for you to show us that.

STATEMENT OF HON. CHARLES F. MacLEAN, OF NEW YORK CITY.

The CHAIRMAN. You may proceed, Judge MacLean.

Judge MacLEAN. Mr. Chairman, the Sulzer bill gives as datum for relocation of the pierhead line a right line beginning 100 feet westerly of the pierhead line at Pier 1 and continuing to a point 100 feet westerly from the pierhead line at Little West Twelfth Street, Pier 53, and thence in a line to the northerly side of Pier No. 70, at West Thirtieth Street, practically a chord of the circular contour of the pier line established in 1897 and now existing.

This would allow making all the piers 900 feet and over—several over 1,000 feet, one 1,180 feet—between Pier 13, at Cortlandt Street, and Pier 62, at Twenty-second Street, the business district of the city, chiefly dependent on receiving, shipping, and transshipping package freight, the chief cargoes of long steamships.

It was not expected that piers would be built out to the proposed line at Pier 1 and immediately adjoining, because of the depth of the water—70 feet odd—and because the dock department would not allow such a shoulder at the Battery.

But the line beginning with a round number and making, so to say, a chord of the whole curve, was advisedly taken as more convenient for calculation, description, and location than a datum line beginning abruptly at a succeeding pier, say, No. 10, with a less simple datum—about 166 feet, inches and fractions.

The Board of Trade and Transportation in New York, through its accomplished secretary, Mr. Gardner, to whom is due the credit of drawing this bill, has instructed me, after an agreement arrived at last night between the various interests especially concerned in New York, and acquainted with the pier line and the necessity of its ex-

tension, to request the committee to make certain changes in the bill so as to conform its proposed line practically to the line adopted by the New York State Commission, of which Mr. R. A. C. Smith is chairman, and of which the State engineer and the commissioner of docks of New York are members. I beg to hand you a copy of the proposed changes.

The CHAIRMAN. Judge MacLean, the material question we desire you to speak to the committee on is, not what you agreed, or who sent you here, or your credentials, but we desire you to show us the particular facts in this case and the reason why you can not get justice from the Secretary of War, and why therefore it is necessary for us to reassume jurisdiction and pass any bill upon the subject.

Judge MacLEAN. We are quite willing to accept that burden.

The CHAIRMAN. That is what we want to hear from you on.

Judge MacLEAN. The present pier line, established by the Secretary of War in 1897, is antiquated, and is a restriction upon the commerce of the port, a restriction which has now become intolerable.

You will recall that the first trans-Atlantic steamship was the *Savannah*, which crossed in 1819. That was 130 feet in length. Regular trans-Atlantic lines began in 1840, when Mr. Samuel Cunard obtained the contract for taking mails to Halifax.

Mr. HAMLIN. Let me ask you a question there: Have you taken up the matter with the Secretary of War?

Judge MacLEAN. I have not; but others have put the plight in which the present restrictions of the piers place ships and shipping in New York before the Secretary of War very fully and seriously. The Secretary, however, has not acted upon it. It is because he has not acted, but rather intimated that he would not grant the relief that the Sulzer bill was drawn and introduced so as to obtain from the elected Representatives in Congress the relief that is imperative, the relief necessary to forefend the great injury which will befall the port and the commerce and the business of New York and of the country unless accommodations are afforded for the ships soon to come, even for the ship which has already been in New York and is to come again, which has used the piers lengthened beyond the established line by special permission from the late Secretary of War, Gen. Dickinson.

The CHAIRMAN. Have you presented these suggestions to the Secretary of War?

Judge MacLEAN. We have not.

The CHAIRMAN. Why did you not do that?

Judge MacLEAN. Because others have, and the matter has been before the Secretary for many months.

Col. W. M. BLACK. The amended bill is an application for changes in pier-head lines, which was made by the State of New York the last summer and which has been under consideration carefully by the War Department since that time and is now pending decision before the Secretary of War.

Mr. HAMLIN. What is the use of our discussing that until we know what the decision of the War Department will be? They have got it under consideration now.

Mr. STEVENS. We had better hear these gentlemen now.

The CHAIRMAN. Of course we are willing to hear them, but we are asking them these questions as a part of the hearing.

Judge MACLEAN. In 1840 the ships were 207 feet in length. In 1850 they had grown to 282 feet. In 1858 the *Great Eastern* came down Long Island Sound and anchored off Port Morris. It did not come into the harbor proper at all. The *Great Eastern's* coming was apparently a very important incident in this whole matter. It was asserted and assumed that no ship of its length would ever be built again. It was 680 feet in length and a failure; and no ship of its length did come into New York for 40 years. It would seem that the present pier-head line, established in 1897, was established on the assumption that the *Great Eastern's* length was about the limit to be provided for.

Since the establishment of the present pier line in 1897, however, trans-Atlantic ships have rapidly increased in length. In 1902 came one 684 feet; in 1906, one of 700 feet; in 1908, the *George Washington*, 699 feet; in 1911 came the *Olympic*, of 882 feet, for which Pier 62 had to be lengthened 100 feet by Secretary Dickinson's special permit, shortly to expire. Now a ship, the *Imperator*, of 915 feet is building. The same line, the Hamburg American, will bring out next year one of 950 feet. The Holland American will have a ship of almost the same length. Next year, too, will come the new *Britannic*, of 982 feet, and the Cunarders will have the *Aquitania*, of 900 feet, and two others of as yet unstated dimensions.

It comes to this: That there is no pier in the harbor of New York that will accommodate those ships.

The CHAIRMAN. Does not the Secretary of War know of that?

Judge MACLEAN. I presume he does—

The CHAIRMAN. Now, these statutes give him absolute authority to provide larger clothes for the growing commerce of the city.

Mr. STEVENS. Let me understand. Are you asking for a wider channel so those ships can be moved in the congested harbor of New York, or are you asking for a narrower channel by making longer docks?

Judge MACLEAN. We are asking for longer piers, which will necessitate a slightly narrower but still an entirely ample channel for a short space opposite Castle Point, Hoboken—

The CHAIRMAN (interposing). Mr. Stevens, before you came in I placed in the record the river and harbor act of 1899, which places under the Secretary of War plenary authority to establish all these harbor lines.

Mr. STEVENS. Yes; I am familiar with that.

The CHAIRMAN. And the question I asked Judge MacLean before you came in was why he did not give the Secretary of War the opportunity to grant the relief.

Mr. STEVENS. Of course, we have the right to change the law if we see fit.

The CHAIRMAN. Of course; but it is for them to show that there is occasion for doing so.

Mr. STEVENS. What I wanted to know was whether it was a narrower channel, for the purpose of enlarging the docks, or a wider channel, for the purpose of moving the ships, that they are asking for?

Mr. GOLDFOGLE. Since Mr. Stevens has asked you the question, Judge MacLean, will you tell us whether the narrowing of the chan-

nel at the point you have indicated would in any way, in the slightest degree, hinder or impede the navigation?

Judge MACLEAN. It will, as I understand my gallant and learned friend Col. Black announces, increase the velocity or the rapidity of the current about two-tenths of a mile; and the question arises whether that slight increase in the current would work a greater damage to the usefulness of the channel, a greater injury to the commerce, than would be compensated for by being able to have larger ships come in. In the act of 1899, to which the learned chairman has referred, and of which part has been placed in the record, section 10 provides that—

The creation of any obstruction not affirmatively authorized by act of Congress in the navigable capacity of any of the waters is hereby prohibited, outside of the established harbor lines; or where no harbor lines have been established, except upon the recommendation of the Chief of Engineers and authorized by the Secretary of War.

That act, however, left to Congress the right to establish the piers. The CHAIRMAN. They all do.

Mr. STEVENS. And it was not reserved?

The CHAIRMAN. That is not the paragraph that I put in the record.

Judge MACLEAN. The entire statute, I assume, may be considered. The question we put before this committee and before Congress is whether it is expedient to reestablish the line so as to accommodate the ships coming into the harbor. New York Harbor is the second in the world for natural advantages and capacity. With the Hudson River and the canal to the Great Lakes, the harbor has made New York the great city that it is—the largest manufacturing city of the country, producing 10 per cent of all the manufactured articles in this Union; and, if you except from London the brewing industry and the special class of small wares, called articles de Paris, manufactured in Paris, the largest manufacturing place in the world. It is of the very greatest importance, we think, to the whole country that these great ships may come into New York, for several reasons:

First, the ships have been growing rapidly in carrying capacity—as so many other things grow, the buildings and the manufactures—because the wages of supervision are relatively less for a large establishment than for a small one and because they can transport articles coming to us and going hence at a very much smaller cost, which is of great advantage to the producer in this country, in that he can obtain a larger price for his products at home or a larger price in the market abroad; and, vice versa, the same as to the consumer, that he can get what he wants more cheaply from abroad.

Secondly, the alternative proposed by the Secretary of War to the city of New York is too onerous. It is that we can make piers of the requisite length elsewhere; that is, by excavating the upland. That would be a very great burden upon commerce. To make piers by excavating the upland above Forty-fourth Street, and according to the pierhead line established by the Secretary of War, would require a cost of \$5,000,000 for every pier.

Moreover, the second section, section 11 of the act of March 3, 1899, put into the record by the learned chairman, is practically an amendment of the first. In 1890 section 12 of the rivers and harbors act made a violation of section 12 of the act of August 12, 1888, a mis-

demeanor—in New York we would call it a felony—punishable by a fine not exceeding \$1,000, or imprisonment not exceeding one year. The rivers and harbors act of 1899 enlarged the penalty of the act of 1890 to a fine of not less than \$500 nor exceeding \$2,500, and discriminated in favor of corporations and against individuals by providing that in the case of a natural person the imprisonment should not exceed one year, and that a natural person might be subjected to both the fine and imprisonment. That act also provided for the removal of offending structures by “injunction,” the word used in the act, of the circuit court having jurisdiction in the district. That will expose a shipowner, if a corporation, availing itself of pier 62, on the lapsing of Secretary Dickinson’s permission for its temporary extension, to a fine of \$2,500, and make every participating individual liable to the like fine of \$2,500 and to imprisonment for a year besides—

Mr. GOLDFOGLE (interposing). Just at that point, will you kindly tell the committee about how many piers there are between pier 1, at the Battery, and the farthest point mentioned in the bill before us?

Judge MACLEAN. Seventy in all; 53 up to Little West Twelfth Street, and 10 more from Little West Twelfth Street, or from Thirteenth Street to Twenty-fourth Street—that half mile is the great shopping district and the great business district of New York City.

Mr. GOLDFOGLE. And still growing; ever growing.

Judge MACLEAN. And there are, drawing a line across Fourteenth Street, across Brooklyn, and across the tributary portion of New Jersey, 2,000,000 of inhabitants who trade in that district.

Mr. SIMS. Well, you are only seeking to extend the pierheads on the East River side?

Judge MACLEAN. No, sir; on the Manhattan side of the North River. The cost of making these piers by excavation, taking the rate of interest that the city of New York pays, which is very much lower than the individual can obtain, with a common allowance for depreciation, for maintenance, it would require a rental upon each pier of a little over \$300,000. Three hundred thousand dollars a pier would be a burden upon the ship and the shipowner, a burden which he would transfer to the consumer and the producer, which would be a very costly thing and would be practically a new tariff, an addition to the customs tariff.

The CHAIRMAN. Judge MacLean, I suppose you would like to gain your case and secure action, would you not?

Judge MACLEAN. I beg your pardon?

The CHAIRMAN. You would like to succeed in your application?

Judge MACLEAN. Yes.

The CHAIRMAN. Well, I do not know how the other members feel about it. We would like to hear you talk. But if you would show us why it is necessary in this particular case, after having delegated the entire subject involving these hundreds of projects in the country to the Secretary of War, Congress should at this time reassume jurisdiction and take up this particular case—if you will satisfy us on that subject I believe we will admit all the balance that you say.

Judge MACLEAN. We have offered this information for the purpose of showing the forlorn predicament in which the New York Harbor has been left and that relief can alone be gotten by con-

gressional action, for which there is repeated precedent—for example, chapter 314, laws of 1896 (upon which precedent the Sulzer bill was drawn, adopting its very language of inducement.

The CHAIRMAN. Yes; but I believe we would admit that if you would satisfy us on the main proposition.

Judge MACLEAN. The mayor of New York and several other gentlemen, including Mr. R. A. C. Smith, who is a member of the chamber of commerce and a member of the governor’s committee, have, as I understand it, appealed to the Secretary of War for a change of this line. Mr. Smith will state the result, so far as proper, before you. The mayor advanced this reason—that it was imperatively necessary that this relief should be granted at once, and especially that temporary extension of the pier now occupied by the International Mercantile Marine should remain, because otherwise ships of that line that are now coming to New York can come no more if that extension is cut off, and, as I understand it, the Secretary of War has refused even to continue the temporary extension granted by his predecessor. We, then, are in this plight: The Secretary of War, holding to the antiquated line of 1897, practically established for ships long extinct, says that this line shall not be extended, and therefore the great ships now coming to New York must go elsewhere.

There is no rivalry between the city of New York and other cities. If other cities can accommodate these ships, accommodate the commerce and the business, New York will interpose no objection whatever, but this committee—the chairman of this committee and the other members—know that that would be a derangement of the great part of the importing and exporting business of the whole country.

Mr. GOLDFOGLE. Now, Judge MacLean, there is one question that should have been asked you in the beginning: You appear in behalf and by the authority of the New York Board of Trade and Transportation, do you not?

Judge MACLEAN. Yes.

Mr. SIMS. Is there any other harbor on the Atlantic coast that will accommodate the ships you describe?

Judge MACLEAN. I believe that Boston claims it could receive such a ship. It would not have, however, the possibility of water transportation which comes to New York; and with the opening of the barge canal, that will allow large and bulky material to be taken from Chicago by way of the Great Lakes, past the States of Michigan, Indiana, and Ohio.

Mr. SIMS. I just wanted to know whether it is the fact; I did not care about the details.

Mr. GOLDFOGLE. Gentlemen, we have here R. A. C. Smith, who is the chairman of the State harbor commission; and I should like to have you hear him.

STATEMENT OF R. A. C. SMITH, CHAIRMAN OF THE NEW YORK STATE HARBOR LINE COMMISSION.

Mr. SMITH. Mr. Chairman, I appear here as the accredited representative of the author of the bill, now Gov. Sulzer, of the State of New York, and in addition I appear as a member of the State com-

mission appointed nearly two years ago under special act of the Legislature of the State of New York. Pursuant to the demand of the chamber of commerce, the maritime and other commercial and transportation companies, a similar commission was authorized by the State of New Jersey. On the two commissions rested the task of recommending a port and harbor plan and policy of such vital importance to the whole country, the States of New York and New Jersey as well as the city of New York.

I also appear for the dock department of the city of New York, and I am requested to file with you a letter from the dock commissioner.

The CHAIRMAN. Give it to the stenographer and it will go in the record.

The letter referred to is as follows:

DEPARTMENT OF DOCKS AND FERRIES,
New York, January 23, 1913.

Hon. WILLIAM C. ADAMSON,

Chairman Committee on Interstate and Foreign Commerce,
Washington, D. C.

DEAR SIR: Please note the position of the dock department in relation to the bill for extending the New York pierhead line, as follows:

The commission approves the objects and provisions of the bill so far as they conform to the recommendations of the dock department, which are identical with the recommendations of the New York State Commission to Regulate Pierhead Lines and Port Conditions.

Yours, very truly,

CALVIN TOMKINS,
Commissioner of Docks.

RESOLUTIONS UNANIMOUSLY ADOPTED BY THE BOARD OF DIRECTORS OF THE MARITIME ASSOCIATION OF THE PORT OF NEW YORK AT THE REGULAR MONTHLY MEETING HELD ON DECEMBER 11, 1912.

Whereas a bill has been introduced in Congress by Mr. Sulzer providing for the relocation of the pierhead line of the Hudson River between Pier 1 and West Thirtieth Street in the Borough of Manhattan; and

Whereas such relocation or straightening of the pierhead line in this section of the city will permit of the building or several piers 1,050 feet in length, and will provide accommodations for the largest steamers now built and in the process of construction;

Whereas the committee on piers and bulkheads of this association has already recommended to the city authorities that every effort be made to obtain from the Secretary of War permission for the relocation of said pierhead line so as to meet the existing and future demands; Therefore be it

Resolved, That the board of directors of the Maritime Association of the Port of New York urges upon Congress the early passage of this measure, so that the increased length of piers, which will be made possible by this relocation, may be included in the plan of port development now contemplated by the city authorities; and be it further

Resolved, That a copy of these resolutions be transmitted to the Secretary of War, to the Members of the Senate Committee on Commerce, the House Committee on Interstate and Foreign Commerce, and to the members of the Board of Estimate and Apportionment of the city of New York.

WILLARD U. TAYLOR, President.

Attest:

JOHN DOWD, Secretary.

THE MARITIME ASSOCIATION OF THE PORT OF NEW YORK,
New York City, January 23, 1913.

MR. R. A. C. SMITH,
100 Broadway, New York City.

MY DEAR MR. SMITH: Referring to conversation yesterday about the hearing to be held at Washington to-morrow, I beg to hand you herewith copy of resolu-

tions adopted by this association at our regular monthly meeting held on December 11, which was soon after the bill referred to was introduced in Congress. We would greatly appreciate it if you would kindly present these resolutions at the hearing. They were transmitted shortly after their adoption to the members of the Committee on Interstate and Foreign Commerce.

Congressman Scully was to represent us at the hearing, but on account of a business matter which brings him to New York to-morrow he will be unable to be present. Thanking you for your kindness in this connection and beg to remain,

Very truly, yours,

WILLARD U. TAYLOR,
President.

MR. SMITH (continuing). I also appear for the chamber of commerce by special authority voted at the last regular meeting. The Maritime Association of the city of New York has requested me to file their approval of the bill, and the French Line, occupying piers in the Chelsea section, has requested me to appear for them in support of the measure. The Cunard Line also desire that I should record them in favor of the measure.

I would like to ask you to permit me to give way at this time to Mr. Ring, of the Produce Exchange of New York, who has another meeting to attend, and allow him to speak now, and I will follow immediately after him.

The CHAIRMAN. Well, if you will just give to the clerk a statement of all the interests you represent it will save time.

MR. SMITH. I have done so, sir.

The CHAIRMAN. And what we want to know is, what you want, instead of whom you represent.

MR. SMITH. Well, it is important—

The CHAIRMAN (interposing). We do not care what your credentials are; we want to know the facts.

MR. SMITH. Yes. Will you permit Mr. Ring to speak now, or shall I?

MR. GOLDFOGLE. Mr. Smith, what the chairman seems to want is a statement that will satisfy his mind, apparently, that there is a substantial reason why Congress should now be asked to act.

The CHAIRMAN. Well, Judge Goldfogle, that was not particularly in mind; I am simply trying to help you put the facts before the committee and not produce any string of credentials, which do not amount to anything. What we want is the reasons why we should take this action.

MR. SMITH. Mr. Chairman, in New York and New Jersey State commissions have held joint sessions for the past two years.

The CHAIRMAN. You may introduce Mr. Ring, if you wish, at this time.

STATEMENT OF WELDING RING, OF THE NEW YORK PRODUCE EXCHANGE, NEW YORK CITY.

The CHAIRMAN. You may give your name and address to the stenographer.

MR. RING. My name is Welding Ring; address, 31 Stone Street, New York City.

With Mr. John P. Truesdale I am here to represent the New York Produce Exchange. We are a body of 2,000 merchants; and I think are more closely interested in the harbor matters of New York than any other body, with the possible exception of the chamber of com-

merce. Our business is very largely export and import, and we must have the very best facilities to carry it on if we are to meet the competition of other ports and other parts of the world.

Nearly two years ago I was present at a hearing before Secretary Dickinson, who was Secretary of War at that time, when a petition was presented to him asking for a temporary extension of a pier that would accommodate the *Olympic*; and after half an hour's discussion with him he very graciously gave it to us, with the condition that it was to be removed if we were called upon to do so within two years. That two years is nearly up. Through no fault of the White Star Line, who are unable to do anything without the consent of the authorities, and through no fault of the dock commissioner of New York, but through failure of the Court of Appeals of New York to pass upon the amount of money that will be released for dock purposes, it has been impossible for the dock commission to make any plans for New York Harbor.

We are now placed in the situation that if the present Secretary carries out his intention, or if his successor should think along the same lines, then the White Star Line will have no place where it can send its large steamers. The other large steamers coming over will have no place where they can berth.

This is a very important matter. New York Harbor is peculiar. For some reasons our good friends in Washington, some of them, seem to think that New York is so big and has such facilities there that trade is bound to come there, no matter what the conditions may be. We know, on the contrary, that it is necessary to provide everything possible for the benefit of the port and for the facilities of shipping in order to have the shipping come there.

It is also necessary to have these large ships—the passenger steamers, particularly, I am now speaking of—get as near as possible to the heart of New York. Every passenger that comes wants to arrive as close to the center of New York—to the hotel district and the railroad district and the retail district—as possible; they do not want to land off in some other section, and have a long land journey before they get to their destination.

Mr. STEVENS. Let me interrupt you. First, why did not your commission apply to Secretary Dickinson for a permanent authority, instead of a temporary permit?

Mr. RING. We did apply for it.

Mr. STEVENS. Then, why did not he grant a permanent authority instead of a temporary one?

Mr. RING. I could not answer that question. Up to that time we had been endeavoring to get these piers extended, and we took what we could get, thinking half a loaf was better than no loaf at all. It was absolutely necessary. The *Olympia* was coming over in four months, and it required hurried work to extend that pier before the steamer arrived; and we took that permission from the Secretary of War at that time because we could not get anything better.

Mr. STEVENS. Well, do you know whether it was either one of two things, first, that permanent quarters should be provided elsewhere during these two years—you stated that it was necessary to provide temporary dock room within that four months, and that you might expect within that two years to provide dock room elsewhere; or

else obtain a modification, such as you are seeking here, during that two years? It was either one of these two things, was it not?

Mr. RING. Well, every effort has been made on the part of the dock commission and of those in interest to do something—something that was permanent. Up to the present time we have not been successful. Now, at a hearing on this bill that took place before the Harbor Line Board some six weeks ago, practically every business interest in New York, every exchange and board of trade, was represented there, and without a single exception they advocated the extension of the pierhead line, in order to accommodate these steamers that are coming here.

In regard to building these larger piers north of Forty-fourth Street, I am told by a former dock commissioner, and the present dock commissioner, that we could not build those piers, or build one of them, in less than three years, and that the expense would be \$5,000,000 for each pier.

Mr. STEVENS. Above Forty-fourth Street?

Mr. RING. Yes; commencing at Forty-fourth Street. It would be very expensive for the city, and by the extension of the pier line according to this bill that has been introduced and the modification of it here to-day, it would not affect the fairway of the river to any appreciable extent. At least, that is our view as merchants and as laymen. This extension of the pier that is now used by the White Star Line of 100 feet has been there nearly two years.

Mr. STEVENS. In what district is that?

Mr. RING. Chelsea district, Eighteenth Street. Since that extension was placed there there has never been a complaint of any kind or nature that has reached the public press or the ears of any of the people in the shipping business. So far as I know, it has never changed the effect of the current there in the slightest, and there has been no disadvantage in any way.

Now, if we extend that down to the Battery, bringing it into the present pierhead line at the Battery, it will cause at Spring Street the building of a pier 1,050 feet long. That length of pier will for a certain period accommodate all the large steamers that are now being built, or likely to be built within the next four or five years. Ultimately, I believe we will have to have still longer piers; and then we will have to go north. That will be the only place to build them. But what the gentlemen interested want is action.

The CHAIRMAN. How far north is the shore line entirely occupied by piers and docks at present?

Mr. BENSEL. All the way to where the park commences at Fifty-ninth Street.

The CHAIRMAN. How many miles?

Mr. BENSEL. Five and a half from the Battery.

The CHAIRMAN. How far above this point would you have to go to find a place where the contour of the shore line would permit you to put in this length of pierheads without encroaching on the current?

Mr. RING. We would have to go to Forty-fourth Street and above.

The CHAIRMAN. And that would interfere with the business and convenience of travelers?

Mr. RING. At the present time.

The CHAIRMAN. How is it on the other side of the river; could it be placed there without encroaching on it?

Mr. RING. They are also asking on the New Jersey side for an extension, to a less degree, which we favor.

The CHAIRMAN. Well, I asked as to the contour of the shore with reference to both sides. Could they be placed over there without causing an interference with the channel?

Mr. RING. Not where the present steamers are loading, from Castle Point south. They need an extension also, which I think we are all prepared to advocate.

The CHAIRMAN. I suppose after your agreement with Secretary Dickinson your chief hope of relief was centered in securing this change in the authorization, instead of making other physical provision?

Mr. RING. No; we must have something done promptly. We have got those big steamers to-day.

The CHAIRMAN. Following Mr. Stevens's questions, tell us why you did not act in those two years.

Mr. RING. It has not been possible for us to act.

The CHAIRMAN. I suppose you relied upon a change of the order?

Mr. RING. No; we were trying to do something, but conditions were such that we could not.

The CHAIRMAN. Go ahead.

Mr. RING. What I want to make clear to you is this, that the commercial bodies of New York have been in very close accord with the harbor line board. We are all personally acquainted with the members of that board and esteem them very highly and believe they have the interest of New York Harbor at heart. But for some reason we have not been able to ascertain, the Secretary of War seems determined not to give us this needed relief; and it is for that reason that we come before your committee and ask you to make this an exceptional case in order to give us action.

Mr. STEVENS. Has the Secretary of War informed you of his reasons?

Mr. RING. I have not heard any public reasons from Secretary Stimson.

Mr. HAMLIN. I understood some gentleman to say that the Secretary of War now has the matter under consideration.

Mr. RING. The Secretary of War has had it under consideration for the past four or five years, and we have only been able to get this temporary permission.

Mr. HAMLIN. Not the present Secretary of War?

Mr. RING. The present Secretary of War—if I am not mistaken, the harbor line board recommended a certain extension of the Hamburg-American or the Hoboken piers and the Secretary of War declined to permit it.

Col. BLACK. You have made a number of errors in your statement. I do not want to interrupt you—

Mr. RING. Oh, yes; please correct me if I am wrong.

Col. BLACK. The reports on the so-called Sulzer bill and on the applications of the State boards of New Jersey and New York were rendered by the harbor line board on the 9th of January of this year. Since that time those two reports have been under consideration by the Secretary of War. He had, first, a consultation with the dock

commissioner of the city of New York on the subject of the needs of New York for terminals for freight. Then they met on last Friday and he had a conference with the New Jersey and New York State commissions, and also with the mayor of the city of New York, as to the harbor lines as applied for by the New York and New Jersey commissions and as covered by the amended bill.

Mr. GOLDFOGLE. Let us get the number in here. The amended bill is H. R. 28354, introduced by me; that is what you have reference to?

Col. BLACK. Yes, sir. And that amended bill is the one that is advocated by the New York State commission and which is under consideration by the Secretary now. The Secretary has had me personally try to see the mayor of New York and the board of estimate and apportionment and other New York authorities. There are some points that he is very desirous of giving them, as I understand it, and certain others that he thinks unwise to give; and he has not rendered any decision as yet.

Mr. HAMLIN. It is still pending?

Col. BLACK. Still pending before him. The only reason he has not rendered a decision is, as has been the case for the past 11 years, the inaction on the part of the New York authorities, as I will show you in our report. For over 11 years this question has been up, and the whole thing has been held back by the inaction of the New York authorities.

Judge MACLEAN. Mr. Chairman, can we have a copy of the Army engineer's report of January 9?

The CHAIRMAN. I suppose there is a report on this bill, is there not?

Col. BLACK. I would say, Mr. Chairman, that the Secretary of War requests you, through me, for permission to read a letter which he has addressed to the chairman of this committee on the original Sulzer bill, and also to read the report of the New York Harbor Line Board of January 9—

Judge MACLEAN (interposing). The Sulzer bill is fruitless.

Mr. RING. Without going further, what we are after is action.

The CHAIRMAN. Will you allow him to read that letter and then reply?

Mr. RING. I have not the time. I have to appear before another committee.

The CHAIRMAN. I mean to read it to the committee; you may want to reply to it. The committee is enjoying very much your statement, and perhaps you would like to reply.

Mr. RING. The point that I want to impress upon this committee is that, if we can get action in some way, that is what we want.

The CHAIRMAN. He says he is ready to show how you can get action.

Mr. HAMLIN. It does not seem to me courteous to the Secretary of War, since we are informed that he has now got this matter under consideration, for us to take up this matter with a new bill. It seems to me that we ought not to try to usurp any of the functions he now has and is exercising.

Mr. GOLDFOGLE. Well, Mr. Chairman, pending the reading of this letter, I want to say that the Hon. John A. Benschel is present, the State engineer and surveyor, a gentleman who certainly is well informed upon every point that affects the proposition before us. I would like to have the State engineer and surveyor heard.

The CHAIRMAN. Well, Mr. Goldfogle, the committee wants to hear this letter from the Secretary of War at this point, and we will then know better how to examine your witnesses. Will you read the letter, Col. Black?

STATEMENT OF COL. W. M. BLACK, CORPS OF ENGINEERS, UNITED STATES ARMY.

Col. BLACK. I would suggest, Mr. Chairman, that the only bill which has been referred to the Secretary of War for consideration and of which he is cognizant is the original bill, H. R. 26677, better known as the Sulzer bill. I do not think anyone in the War Department has yet received any notice or has any knowledge of the bill just introduced by Mr. Goldfogle. This letter, then, and the report have reference to the original Sulzer bill.

Mr. GOLDFOGLE. But we can hear you at any time, after he considers that.

The CHAIRMAN. The clerk informs me that Mr. Goldfogle's bill was referred to the War Department yesterday.

Col. BLACK. Yes, sir; you see it had not been received when this letter was written. The report itself, also the report of the harbor-line board, takes into consideration the lines proposed by Judge Goldfogle's bill, which seems to be the line proposed by the New York State commission. This letter from the Secretary of War is as follows:

WAR DEPARTMENT.
Washington, January 23, 1913.

Hon. W. C. ADAMSON,
Chairman Committee on Interstate and Foreign Commerce,
House of Representatives.

Sir: In further reference to H. R. 26677, introduced by Representative Sulzer, providing "for relocation of pierhead line on North River between Pier 1 and West Thirtieth Street, New York City," I have the honor to say that at a hearing held before me on Friday, January 17, upon some of the questions involved in said bill, the city authorities of New York, represented by Mayor Gaynor, repudiated the proposition contained in the bill to move the pierhead line farther out into the river and stated that the city of New York did not ask for or want such an extension. The language of the mayor, as reported by the stenographer of the hearing, is as follows:

"Mayor GAYNOR. The blue line on the map is the line laid down in the so-called Sulzer bill before the House of Representatives. We never instigated that and do not ask for it. * * *

"Secretary STIMSON. The line of the Sulzer bill goes a great deal farther than any line that any of us have discussed yet.

"Mayor GAYNOR. It is 100 feet farther out. I agree that we can not get that."

It further appeared in the hearings before the New York Harbor Line Board upon the so-called Sulzer bill that the pierhead line as proposed in that bill had been drawn with entirely insufficient data. The draftsman of the bill stated that the line had been drawn to Pier 1 because he did not have any data to show the proper place where it should have ended. His language, as reported by the stenographer, is as follows:

"I may confess that if we had the information exactly at our hands we would have drawn that line in a slightly different way. That is to say, if there could have been given us immediately when the bill was drawn the point at about Pier 9 or 10 at which to fix the extension—the curve in the river, which was difficult to determine; we did not have the data—we would then have drawn it to reach the point which this extension meant, from the present pierhead line at Pier 1 to a point which would be fixed at the present extension or at the proposed extension, and from that point northerly. We had no way of

definitely describing that point, as you can see, not having the full advantage of that data. It was necessary to get the bill to Congress as speedily as possible. That is the way that the drafting of the bill in this exact form came about."

I respectfully submit that this very statement of the draftsman of the bill is a most eloquent denunciation of the method of legislation which this bill seeks, namely, that it attempts to take out of the hands of a skilled board of engineers the question of where this pierhead line should be drawn, and to substitute for their expert determination the haphazard guess of draftsmen who do not even have sufficient data to draw a line as they wish to draw it.

I submit herewith the report of the New York Harbor Line Board upon this bill. From this it appears that the New York Harbor Line Board has held public hearings, has carefully considered the subject, and has reached a conclusion that the bill "be unfavorably considered."

Among its other features, the bill proposes to narrow the existing fairway of the Hudson River at its narrowest point, between Castle Point and Chelsea, by the distance of 100 feet. The New York Harbor Line Board report that the width of the fairway of the Hudson at that point is already at the minimum required by the considerations of navigation and that no further advances of the line should be permitted.

[Exhibiting map of lower Hudson.] The original width of the Hudson there, gentlemen, can be seen from the line that is shaded. All the rest of this has been built out by successive advances of the harbor lines of the Hudson, these advances being advances of bulkhead as well as pierhead lines, so that New York has already gained large areas all along there. And if they want to make pier extensions shoreward, it does not become a question of making extensions into the original upland of the island of Manhattan, but into extensions of land which they have filled in from the river for other purposes than those of navigation.

The CHAIRMAN. You do not think they ought to charge as high for land that they have borrowed from the river?

Col. BLACK. Well, I do think, sir, that the view the Government engineers take, and which is taken quite generally by engineers who are not directly interested in the commercial life in New York—that is, in commercial projects in New York—is that the city of New York should not be permitted, or the State of New Jersey should not be permitted, to do anything which will do injury to this river, which is not only the most important part of the harbor of New York, which has made New York, but is also one of the very greatest lines of navigation leading to the West through the barge canal, the Erie Canal, and by the Great Lakes, and into Canada. It is an important factor in the navigation of our country; and we do not think any simple monetary consideration—and that is all this thing is, gentlemen, nothing in the world but that; simply the question of saving a few dollars—should be permitted to make a permanent impairment of this river.

The CHAIRMAN. I did not want to get you into a personal explanation; I just wanted you to read the letter.

Mr. GOLDFOGLE. Pardon me, Mr. Chairman, in order to have a continuity of the argument: Do you not realize that the increasing lengths of ships and the increase of commerce coming to New York and going from New York requires the extension of the piers?

Col. BLACK. Most decidedly it requires longer piers. But they can be obtained otherwise than at the expense of the river.

Mr. HAMLIN. They can be extended on the inside?

The CHAIRMAN. If the place gets so big that it stops up the channel that feeds it it would be in a bad fix.

Col. BLACK. Yes; it would be in a bad fix.

Mr. GOLDFOGLE. But it would not stop up the channel.

Mr. STEVENS. I think that is a question we will have to discuss further.

The CHAIRMAN. Let him read the letter.

Col. BLACK (reading):

They point out that the width of the Hudson River at that point has already been reduced to a little over 50 per cent of its original size, and that the velocity of the tidal currents in the river have been increased to over 4 miles per hour, or an increase of from 60 to 87 per cent. They say that this increase has required a corresponding increase of power for all self-propelled boats using the river, with an increased cost for operating expense, and that any further increase will have an especially injurious effect upon the commerce which will use the new barge canal, where speed is restricted to 4 miles an hour, and where the power of the vessels using it will be correspondingly low, thus making it difficult for such vessels to navigate points around New York City.

I submit herewith the full text of their report, which has also been approved by the Chief of Engineers of the United States Army.

Finally, I have the honor to state that the entire subject of the location of the pierhead line on the Manhattan shore of the Hudson River is receiving careful attention by the Chief of Engineers and myself, based upon reports made to me by the New York Harbor Line Board. Hearings have been held before me which have been attended by the municipal authorities of the city of New York, including its mayor, and by the commissions recently appointed by the States of New York and New Jersey to consider the same question. I have every hope that a solution may be found through the cooperation of the Federal and the local authorities which will satisfactorily solve the problem of finding adequate terminal facilities for the shipping visiting New York Harbor without further narrowing the fairway of the Hudson River, and without further injury to the great waterway upon which the prosperity of that city and the commerce of the main port of the Nation ultimately depends.

I sincerely hope that your honorable body will not by approving a bill which on its face shows itself to be hasty and imperfect, and which the report of the harbor line board disapproves of in important particulars, and which municipal authorities of the city of New York disavow, render more difficult this work upon which we are now engaged in earnest cooperation.

Very respectfully,

HENRY L. STIMSON,
Secretary of War.

Col. BLACK (continuing). The Secretary desired that this report [indicating] be read at the same time, in connection with this letter.

The CHAIRMAN. I do not think that it is necessary at this time. We are now interrupting Mr. Goldfogle's witnesses; and you can put it in the record.

Col. BLACK. The only reason I should like to read it now is that Judge Goldfogle inadvertently, and my friend Judge MacLean, and my friend Mr. Ring, and possibly some of the others, have inadvertently made misstatements which will be corrected by this report.

The CHAIRMAN. You may correct it in the record.

Mr. STEVENS. But we want to hear it read at the proper time.

The CHAIRMAN. The only purpose of injecting you into the hearing at this time was in order to advise the committee that the Secretary of War is considering the matter at this time.

Col. BLACK. All right, sir.

Mr. GOLDFOGLE. The State engineer and surveyor, Mr. John A. Bensenl.

Mr. BENSEL. I would like to have Mr. Smith go ahead now.

STATEMENT OF R. A. C. SMITH, OF NEW YORK.

Mr. SMITH. Mr. Ring has been obliged to go away. In connection with the letter which Col. Black has read, I would like to refer particularly to that part of it which refers to the mayor's recent visit to the Secretary of War; and I think I can speak intelligently on the subject and what the mayor intended to convey.

Mr. GOLDFOGLE (interposing). May I interrupt a moment? Mr. Chairman, I am obliged to go into the House because a conference report is coming up for consideration in which I am largely interested; so excuse me.

Mr. SMITH (continuing). I do not think that the mayor intended to convey to the Secretary of War that he was opposed to the Sulzer bill. He was opposed only to that part of the bill, or that part of the line extending into the river 100 feet opposite Pier 1. That is the objection that the mayor had to it. The mayor never has objected to the line as now corrected in the bill before you. That is the line adopted by the State commission, concurred in by the New Jersey State commission, approved by the city of New York through its regular board of estimate and apportionment after public hearings, and I think that it is quite important that you should have that in mind. I do not know whether Mr. Bensenl wants to speak now, or whether I should continue.

Mr. BENSEL. I wish you would go ahead, so far as I am concerned.

Mr. SMITH. The State commissions have been steadily at work for two years past. They were appointed at the instance of the commercial bodies of New York, or at their suggestion, in order to study the harbor question in the city and port of New York. In carrying out their studies they have been in touch with every commercial body and every one interested in this important question. And they have found absolutely no objection from any source, either from the transportation lines that constantly move their tonnage up and down the river, or from the navigating officers, or from the pilots, or from any other known source.

The only objection, apparently, to this slight modification of the lines comes from our friends of the harbor line board of engineers. Their studies are based, as I understand it, on the increase of current. I understand they make the comparison with 1855—is it not, Col. Black? I do not know what would have become of New York if the several extensions allowed by Secretaries of War had been denied. The city has been growing at a pretty rapid rate; and the only reason for creating these commissions was to meet the demand of commerce and adopt a comprehensive port policy. The commercial bodies fully understood the attitude of the harbor line board of engineers; and the purpose was to solve the problem once for all, and to reach a conclusion that would settle the harbor question.

Mr. ESCH. What assurance have you that this will be your ultimate demand?

Mr. SMITH. I will answer you in this way: This question was put to our commission by the harbor line board, and we decided that the city of New York must select another site on the harbor, where longer piers could be built and the larger steamers accommodated; and the city, with that end in view, has set aside a section of the harbor

north from Forty-fourth Street to Fifty-sixth Street. It held public hearings. Brooklyn opposed it very strongly, because they thought that in Brooklyn they could accommodate the large express ships that are seeking entry into this port and wish accommodations on this particular part of the river. It was shown conclusively that there was no place in Brooklyn that would be suitable for that type of steamer; and Brooklyn very promptly accepted that view. And the board of estimate and apportionment unanimously voted that this section of the harbor north of Forty-fourth Street was to be set aside, and that the city should proceed at once with its plans; whether the piers should be 1,000, 1,200, or 1,400 feet long is a question for further study. Twelfth Avenue will be relocated far enough back to permit the cutting into the land. This plan does not involve going into the river beyond the present existing line.

Mr. CALDER. How long will that take?

Mr. SMITH. It will take a number of years; but the city of New York is perfectly willing to meet that question. The point at issue is that the narrowest part of the river is opposite the present Chelsea section—it is unfortunate that it happens to be so. In the granting of the temporary extension Secretary Dickinson was made aware of the object for which the commissions were appointed. I might also add that the governor of the State of New York considered the demands of commerce, and that the law creating the commission was a most important move toward the adjustment of port conditions in New York.

Now, a great advantage that we had in joining with a New Jersey commission was to overcome the feeling that whenever New York wanted anything New Jersey would also want a share of it, without any particular reason or necessity for it. The New Jersey and the New York commissions have been working together. They have been working solely for the port of New York of which they are a part.

The CHAIRMAN. Do you not think that, however much you may temporize now with these temporary expedients, ultimately your only solution will be to move upstream to find berths for your ships?

Mr. SMITH. Well, the city has done so.

The CHAIRMAN. Will you not have to do that, or will it not destroy your channel?

Mr. SMITH. I do not think it will be necessary. The channel is not destroyed by that.

The CHAIRMAN. I say ultimately. I see here [indicating] that since 1867 you have moved the shore line a great distance into the river and have actually got a street, an avenue, in what used to be outside the shore line and in the river. If that goes on I do not see how you are going to maintain a channel there.

Mr. SMITH. Mr. Chairman, you will realize that the very purpose of the commissions was to solve that question with the Federal authorities once and for all. Nobody has ever known—the commercial bodies certainly have not known—what was involved. They had an idea that they could simply ask for those extensions. They thought that it was a natural thing—all they had to do was to apply to the Secretary of War, and he would send the application to the Harbor Line Board for report. And it was a piecemeal work. And that led to appointment of the commissions and must give notice to this country and the commercial world that the policy of the port of

New York is fixed and determined. And if that can not be fixed by the Secretary of War it ought to be fixed by Congress.

The CHAIRMAN. The trouble is that another generation will come along and think we were slow and pokey, and they are going to do something new, just like we treat our predecessors.

Mr. SMITH. Mr. Chairman, do you know that to-day we have no berths for ships that are now seeking entrance to the harbor of New York?

The CHAIRMAN. Well, I say, would you not go upstream and find room to berth those ships?

Mr. SMITH. We can not do anything more than we are doing now. The city of New York will solve the question by building longer piers whenever the demand for them is made; it will build them in-shore without going out into the river. That port policy has been adopted.

Mr. ESCH. Has the State of New York jurisdiction of the Hudson River to the Jersey shore?

Mr. SMITH. No, sir; it is under the jurisdiction of the War Department.

Judge MACLEAN. It has police jurisdiction.

Mr. ESCH. That was due to your agreement of 1835, when you made some agreement with New Jersey?

Judge MACLEAN. That is as to civil and criminal jurisdiction to low-water mark.

Mr. ESCH. Does the city of New York have charge of the docks over there?

Mr. SMITH. The Jersey side is now under jurisdiction, or rather under study, of the commission appointed by Gov. Wilson. Up to this time no uniform action has been taken. Mr. Chairman, that is all that I desire to say at this time.

The CHAIRMAN. Well, when I asked you about going upstream I did not have in mind any limitations that you may have in your mind to any particular street or district. I asked you if you could not solve this problem by going on upstream and finding room, and even if you went several miles up it would be better than sending your ships to other cities.

Mr. SMITH. Mr. Chairman, that opens up a long discussion of the problem that is before this commission of ours, which deals not only with the water front, but with the congestion of the streets and many other questions; it involves the question of the daily delivery of food products to the city.

Mr. ESCH. You say it runs up the river 10 or 15 miles, does it not?

Mr. SMITH. The city?

Mr. ESCH. Yes.

Mr. SMITH. Yes; but beyond Seventy-second Street you have the Riverside section, which is a park section, with high bluffs along the river, and it is practically a continuation of bluffs until you reach Yonkers. Large express steamships can only be accommodated at the section shown on our plan [indicating].

The CHAIRMAN. Well, I suppose the city is building houses 100 stories high, and going higher every generation, and there ought to be elevators enough to solve that question for passengers.

Mr. SMITH. Well, even South Brooklyn is now being developed for a freight steamship terminal. But the class of vessels that re-

quire accommodation on the New York side of the Hudson River—on the Manhattan side—require accommodations as near as they can get them to the important railroad centers and to the hotels and shopping districts. The class of goods that come by these ships are distributed within a certain area, such as the dry-goods district, as far north as Fifth Street.

The CHAIRMAN. It is an unfortunate situation that a place so admirably situated to make a mart for all the world, the greatest commercially in the world, that half of its water front is so high that you can not reach the river and the other portion of the river is so narrow that you have to build out into the river and narrow the channel.

Mr. SMITH. I think New York has been greatly benefited by the changes authorized by previous Secretaries of War in the extensions of harbor lines.

The CHAIRMAN. This map [indicating] shows a considerable area of land that the river has given up to the city. It is greater than the piers and berths and docks—

Mr. DRISCOLL. Up to what place would you go?

Mr. SMITH. Fifty-ninth Street. There is a big bluff there, and the New York Central has its terminal there.

Mr. STEVENS. Why is it that you limit the northern boundary of the extension of piers under this bill to West Thirtieth Street?

Mr. SMITH. Because there is no use of the city asking for extensions into the river beyond that point. The city can secure land above and cut inshore, which simply means that relocation of the lines would end the question for all time. To permit the city to come inland—

Mr. CALDER (interposing). Mr. Smith, in this contemplated development of your water front, as a result of the work of the board of estimate and apportionment, the city will spend a great deal of money, will it not?

Mr. SMITH. It will, when it has to come to it, when the demand for that particular size of docks is required; in other words, the city meets the Secretary of War and the Army engineers by saying: "We will not go any farther." If there is any law that can be enacted to prevent further encroachment at the Chelsea section, we are for that law—the State and city of New York are anxious to meet the Secretary of War on any point of difference. But the matter can not be settled by delays. Our report was filed last July, and if the attitude of the Secretary of War is against the granting of the extension at the present Chelsea section, then, in that case, what are we going to do with the ships? Large ships now seek our port and need that locality; they are within three months of arrival; it will take time to construct a new terminal to receive them, and they can not be accommodated at Chelsea section; they will have to be anchored or stick out beyond the ends of the piers, which is a danger to navigation and to the ships.

There are other questions involved in this situation which will be explained by competent pilots, members of the New York and New Jersey pilots' associations.

There is a real obstruction in the river, caused by barges tying up to the ends of piers; and it is the purpose of our commission, if this

bill is passed and the line made permanent, that harbor regulations shall be enforced prohibiting the use of pier ends for berths.

Mr. STEVENS (interposing). We understand, then—we want to get this contention clear in our own minds—that above West Thirtieth Street you do not ask for any change of existing lines, but below West Thirtieth Street it would be too expensive for the city to cut in shore?

Mr. SMITH. That is right.

Mr. STEVENS. To go inland instead of extending the piers at Chelsea would cost too much?

Mr. SMITH. It is not possible. The marginal streets do not permit it.

The CHAIRMAN. Well, why do you not put your long piers up there where you can, and your short piers down below where you could not put the long piers?

Mr. SMITH. Well, that is proposed to be done. The lines shown by the State commission, which are lines covered by this bill, will give the city an elastic opportunity to arrange its port improvements.

The CHAIRMAN. I understand; but on your proposition you can easily arrange for berths above Thirtieth Street; then why not go up there and build your long pierheads and reserve the lower berths, where the Secretary says the river is too narrow, for your short berths?

Mr. SMITH. That is the purpose; that is what is to be done in the future. The development of the port calls for this arrangement and provides for a terminal somewhere in the neighborhood of Desbrosses Street. But remember that two-thirds of the water front of New York is now occupied by the railroads which bring to the city its daily produce, and that they have long terms of leases, and that it is a question that takes time and has to be solved with care.

The CHAIRMAN. Well, the railroads do not use these large ships.

Mr. SMITH. They use the piers; they use the water front.

The CHAIRMAN. But do these long ships that you speak of, 1,000 feet long, go to the railroad piers?

Mr. SMITH. No, sir. I say that the lower section, below Thirtieth Street, about two-thirds is occupied by railroads which bring in the daily produce consumed by the city; and they are under long-term leases, and a readjustment of the port would provide for relocating the railroads—and, in fact, relocating the market at foot of Twelfth Street.

Mr. DRISCOLL. What railroads are those?

Mr. SMITH. All the railroads—the Erie, New York Central, New Haven—every railroad company entering New York and delivering the produce consumed in the city of New York; and if you were to cut off one pier to-morrow we would not know what to do.

Mr. STEVENS. So that that is unthinkable—to cut off the railroad supplies?

Mr. SMITH. Absolutely. That is already under readjustment whereby one railroad can give portions of its water front for ships. It is a very important problem, and the whole question might be summed up in this way: That the New York State Commission, either through the action of Congress or by decision of the Secretary

of War, desires to fix the lines permanently; in other words, the boundaries, and that is all we ask. Then port progress can continue, and the readjustment of the port of New York can be made so that we can take care of the commerce. We are certainly to-day holding commerce off. The Government is spending money for the Panama Canal and doing much work for the development and retention of our commerce, and yet we in the port of New York are unable to meet our commerce because of this delay and inaction.

Mr. STEVENS. Do your maps here [indicating] show the conditions of the streets and the bulkheads back from the piers from West Thirtieth Street south?

Mr. SMITH. Yes, sir.

Mr. STEVENS. So that we may know what the buildings and the width of the streets and the conditions are?

Mr. SMITH. The railroad lines and the streets and the marginal streets and everything is shown on that plan. That [indicating] may not; that is the engineers' plan showing the extension of the lines.

Mr. CALDER. Mr. Chairman, can Mr. Bense, our State engineer, address the committee now?

Mr. STEVENS. Before the engineer addresses us would it not be wise to have read that letter of the harbor line board, so that the engineer can address himself in part to that letter?

The CHAIRMAN. I should think so.

Mr. CALDER. Col. Black's letter.

The CHAIRMAN. So that the committee can ask him questions on it.

FURTHER STATEMENT OF COL. W. M. BLACK, CORPS OF ENGINEERS, UNITED STATES ARMY.

Col. BLACK. Mr. Chairman, this is the report of the New York Harbor Line Board to the Chief of Engineers on H. R. 26677 and is dated January 9, 1913, and this report has been forwarded to the Secretary of War by the Chief of Engineers with his approval as representing his views. [Reads:]

JANUARY 9, 1913.

From: New York Harbor Line Board.

To: Chief of Engineers.

Subject: H. R. 26677, Sixty-second Congress, third session, for relocation of pierhead line on North River between Pier 1 and West Thirtieth Street, New York City.

1. In compliance with your instructions of December 12, 1912 (87633), the New York Harbor Line Board submits the following report on H. R. 26677, Sixty-second Congress, third session, which provides for the relocation of the United States pierhead line on North River between Pier 1 and West Thirtieth Street, New York City.

2. The board gave a public hearing in this case on December 26, 1912, the stenographer's report of which, together with a list of addresses of parties invited to attend the hearing, are forwarded herewith. (Inclosures C and D.)

3. The pierhead line proposed in H. R. 26677 is a straight line, extending from a point 100 feet outside the established pierhead line at Pier No. 1 at the Battery, to a point 100 feet outside the established pierhead line at Pier No. 62, North River (near the foot of West Twenty-third Street), thence running in a straight line to the established pierhead line at the foot of West Thirtieth Street.

4. The proposition to extend the pierhead line at the Battery is new. That to extend the pierhead line near the foot of West Twenty-third Street has

been made at intervals during the past 11 years, and after careful consideration in each case has been denied five times by successive Secretaries of War.

5. In order to give an understanding of the case the board incloses a copy of its report to the Chief of Engineers, dated February 25, 1911, in which the history of the successive encroachments on the fairway of the Hudson is discussed at length. (Inclosure A.)

6. Since rendering that report the board has obtained further data on the regimen of the Hudson which is of direct importance.

7. The cross section of the Hudson was carefully measured at three points, one opposite Castle Point, one above at Fifty-second Street, and one below at Barclay Street. Current measurements were made in each section separately for a mean tide, and simultaneous current observations were made in the three in the line of maximum ebb currents for a spring tide. The results obtained were compared with corresponding measurements made in 1845, 1855, 1874, and 1882 at or near the same sections. A full discussion of the measurements and results is given in Inclosure B. This may be summarized as follows:

(a) For the Fifty-second Street section the depths had been increased by scour due to increased velocities, but not in amount sufficient to compensate for the diminution of cross section caused by pierhead extensions. The maximum ebb velocities had increased for similar tides from 3.05 feet per second (2.51 miles per hour) in 1858 to 5.88 feet per second (4.01 miles per hour) in 1913, or 60 per cent.

(b) For the section opposite Castle Point the depths had increased very materially so as to make the cross section actually greater than it was in 1874, showing greatly increased current velocities. The absolute increase of the velocities can not be determined since the tidal range was different in 1874 from that observed in 1912. The maximum ebb velocity observed was 5.95 feet per second, or 4.08 miles per hour.

(c) For the Barclay Street section the scour did not compensate for the reduction of cross section due to pierhead extensions, and there is evidence of fill in the shoaler part of the section toward the New Jersey shore, more clearly evidenced by the soundings in this vicinity shown in the chart. The ebb current velocities had increased from 2.96 feet per second (2.02 miles per hour) for a 4.4 tide in 1854 to 5.55 feet per second (3.78 miles per hour) for a 3.8 feet tide in 1912, or more than 87 per cent.

8. Prior to the introduction of H. R. 26677, the question of new extensions of the pierhead lines into the Hudson had been under consideration by the board on plans submitted by commissions of the States of New York and New Jersey, and on December 26, 1912, a public hearing was held to consider the extensions proposed in that bill. The matter has also been discussed extensively in the public press.

9. The arguments advanced by those favoring the further extensions into the Hudson may be summarized briefly as follows:

(a) That no evil effects are appreciably evident from a temporary 100-foot extension now in existence at Piers Nos. 59 and 60.

(b) That the existing piers are too short to accommodate one trans-Atlantic express passenger steamer now visiting the port of New York and several others now under construction, one of which will be ready for operation in May of this year.

(c) That this constitutes an emergency which must be met at once at the risk of these steamers being diverted to other ports.

(d) That the fairway is amply broad to admit of reduction without injury to the river and without danger to traffic.

10. As stated in the report of 1911, it was known in 1902 that piers of 1,000 feet length would soon be required in New York. After that date successive requests for extensions of the pierhead lines were made and denied by the Secretary of War.

11. Apparently these refusals were not taken seriously. The New York authorities made no effort to build such piers, although in the neighborhood of Forty-second Street there was ample opportunity for doing so within the established pierhead lines. The steamship companies proceeded with the construction of ships too long to be accommodated at the existing piers, and without any provisions for new piers. In other words, a commercial company bought a new and extensive plant without first making provision for the accommodation of this plant.

12. The present plea of "emergency" is apparently a premeditated result of this policy of the city and of the steamship companies. To-day no new 1,000-foot pier is under construction. On the New York side the authorities have decided to set aside an area above Forty-second Street for such piers, and the New Jersey side such an area exists to-day just north of Castle Point, and a development company for some years have made repeated offers to build there a development company for some years have made repeated offers to build there 1,000-foot piers for any steamship company which would lease them. Numerous locations, where long piers can be constructed at a minimum of cost merous locations, where long piers can be constructed at a minimum of cost within the established pierhead line, exist to-day on the New Jersey side, between Castle Point and the mouth of the Hudson. No emergency exists, contrary to expert advice and persistently followed in spite of known consequences.

13. The extensions asked for in the Chelsea district (near the foot of West Twenty-third Street) are wanted simply because it would be immediately cheaper for the steamship companies and for the city of New York to extend the piers there than to build new piers, even though the new piers were located near West Forty-second Street, in the locality admittedly better suited to express steamer traffic than is the Chelsea district.

14. It is submitted that should it be true that further encroachments on the Hudson River at the Chelsea district would injure the Hudson River, the real interests of the city of New York and of all the vast commerce now using or in the future to use the upper Hudson require the prevention of such an encroachment, no matter at what immediate cost.

15. It has been pointed out in the earlier reports that the reach of the Hudson opposite the Chelsea district is one in which the river has been narrowed unduly already by the extension of the Manhattan shore by successive advances of the pierhead line. For example, opposite Castle Point on the New Jersey shore, measuring from the shore line of 1757 to the pierhead line of 1897, the island of Manhattan has been built out into the Hudson between the foot of West Thirteenth Street and the foot of West Forty-fourth Street, along a frontage of 8,930 feet, to the following widths:

	Feet.
Thirteenth Street	1,370
Sixteenth Street	1,400
Twentieth Street	1,940
Twenty-third Street	2,000
Twenty-sixth Street	2,140
Thirtieth Street	2,200
Thirty-fourth Street	1,600
Fortieth Street	1,420
Forty-second Street	1,400
Forty-fourth Street	1,100

16. Considering the established pierhead line along the New Jersey shore at and near Castle Point as the practical limitation of the fairway of the river along that shore, the fairway of the Hudson has been diminished artificially in this reach by the widths given above. As shown earlier in this report, this narrowing has been accompanied by an increase of tidal current velocities, propelled boats using the river, with an increased cost of operating expenses. This is no small item. For example, boats using the canal system of the State will be restricted in speed there to 4 miles per hour; and for economical reasons will be provided with power accordingly. Such a boat must have power sufficient to double this speed to be able to navigate with safety in the rapid current to double this speed to be able to navigate with safety in the rapid current now existing in the harbor. Any increase in such currents must cause a further increase of the power to be provided. In fact, it was stated at the public hearing by Mr. Grimes, representing the Erie Railroad, that to-day the harbor currents are so great as to restrict towing practically to the hours of favoring tides. The inadvisability of a further increase is manifest. This is particularly true when the operations of entering a ship and mooring to a wharf are considered, for then the difficulties of handling a boat are increased by increase of velocity of the current in a proportion much greater than the actual rate of increase of such current velocity.

17. It is evident that current velocities have been markedly increased in the Chelsea reach. How much of this increase is due to any single extension of 100 feet can not be stated accurately any more than can the decline from day to day of a man's power with increasing age.

18. The width of a fairway for the Hudson must be determined from various points:

(a) The fairway must be sufficient to maintain the regimen of the stream. As has been shown, this regimen has been changed already and current velocities increased. As regards the Chelsea district be greatly increased, a much is local. Should the gorge at the Chelsea district be greatly increased, a much more serious result is possible in an interference with tidal-wave propagation, with far-reaching injury to the navigable depth of the upper Hudson and of the Harlem. The conditions at Hell Gate in the East River are an example on a larger scale of the effects on tidal-wave propagation of an engorgement of the channel and the resulting currents. As yet no such injury to the Hudson has been found. As pointed out in the hearing of 1855, the injury is possible and must be avoided.

(b) The fairway must have a width sufficient to permit safe navigation by the traffic using it. As shown in the report of February 25, 1911, herewith, 120 boats were observed to pass through the section opposite West Twenty-third Street in a single hour, at a season when no excursion boats were running and when navigation in the upper river and in the canals was closed. The width of fairway required for safe navigation by a craft when overtaking and passing other craft at ordinary speeds is about six times her beam. Under existing laws boats must pass more than 300 feet outside of the ends of piers or be responsible for damage to boats leaving or entering their slips. Express or passenger ocean steamers, river and sound passenger steamers, tows of car floats, and tows of up-river barges all have beams of about 100 feet. It would be no unusual matter for four or five such craft to be in or approaching such a section at any one time. Under this criterion 3,000 feet would be the minimum width required for the Hudson.

(c) The width should be sufficient to permit of the safe docking and undocking of an ocean-going steamer from each side of the river at the same time without blocking traffic. This subject is discussed in the report of February 25, 1911 (see par. 31 et seq.). One and one-half times the steamer's length is a fair space to be allowed for each for piers at right angles to the stream. Since in the Chelsea district piers for such steamers are practically opposite on the two sides of the Hudson, the width in the Chelsea reach is too small—

Mr. ESCH. Assuming what average length of vessel?

Col. BLACK. We are assuming one about 900 feet.

Mr. ESCH. Yes.

Col. BLACK. Let us suppose the *Imperator* on the one side and the *Olympic* on the other. The *Imperator* will be here in May, and will have those dimensions. Taking the vessels on an average, and taking the testimony of the captains, they say that it requires one and one-half times the length of the vessel for it to maneuver going in or out. As a matter of fact, they could use less, and they could use a good deal more; we are taking the average. [Reads:]

That such operations are carried on in Europe in restricted waterways appears to the board no reason why New York should sacrifice for all time her unequalled advantages for the sake of any temporary financial consideration.

19. It is the opinion of the board that the width of the fairway of the Hudson as defined by existing pierhead lines in the reach opposite the Chelsea section is now at the minimum as required under all the considerations given above, and that no further advances of the pierhead line should be permitted.

20. Passing to the south from the Chelsea section, it is seen that on both banks of the Hudson the pierhead lines are bowed in toward the shores. The change of these lines by making the pierhead lines straight lines, tangent to the established line to the north and south, would not interfere with the regimen of the river, nor would it seriously affect the paths followed by shipping, since they are as nearly as practicable straight lines. Such a change would permit the construction of needed longer piers in the reaches affected. It would permit the Hamburg-American Line to extend its piers nearly to the length from which that company has applied. It would further permit the construction of 1,000-foot piers in the neighborhood of Desbrosses Street on the Manhattan side.

23. In conclusion, the board would state:

(a) The question of a change in the pierhead line along the Hudson is now under consideration by the War Department, and a decision concerning the portion of these lines affected by H. R. 26677 may be expected within a short time.

(b) No unforeseen condition exists which would warrant the taking of any action permanently injurious to the maintenance of the fairway of the Hudson.

(c) Ample space for the construction of long piers within the existing harbor lines can be had on the Manhattan side near Forty-second Street, and on the New Jersey side north of Castle Point and at numerous points between Castle Point and the mouth of the Hudson. The matter at issue is not a question of physical possibility nor a question of convenience of location, but simply a question of relative cost.

(d) The fairway of the Hudson should not be further decreased, especially in the vicinity of the Chelsea reach.

24. The members of the two State commissions are unanimous in their opinion that should the lines proposed by them be adopted no further encroachments in the river should be permitted. Has not the limit been reached already?

25. The board would therefore recommend that H. R. 26677 be unfavorably considered.

W. M. T. ROSSELL,
Colonel, Corps of Engineers.

W. M. BLACK,
Colonel, Corps of Engineers.

S. W. ROESSLER,
Colonel, Corps of Engineers.

(Inclosures: Copy of report of Feb. 25, 1911; memorandum on current observations, with its accompanying two charts; stenographer's report of hearing, Dec. 26, 1912; list of addresses for invitations to hearing of Dec. 26, 1912; map showing harbor lines and original shore line.)

Note.—A copy of Appendixes D and E only of report of February 25, 1911, are inclosed. Information contained in other inclosures is condensed and sufficiently covered in the body of the report.

There is a reach of some 1,900 feet in which this straightened line, without further diminishing the width of the Chelsea section, will permit of piers over 900 feet in length, and near Desbrosses Street the length of the pier to be built between the pierhead line and the shore is 1,020 feet, I think. It is over 1,000 feet; that is, without diminishing the width at the Chelsea reach.

Those very large ships, gentlemen, come in loaded 35 feet, and are loaded at the pier. Now, under movement, they squat, as it is termed, so that they go down at a speed of 12 or 13 knots, as much as four or five feet, and in addition to that they must have a certain depth under their keels. And therefore, when it is said by any steamship companies if certain things are not done in New York, they will go to Boston, I am inclined to smile, because there at Boston they have a rock bottom at 35 feet.

Mr. ESCH. So there would be no danger of the *Imperator* going to Boston?

Col. BLACK. She could not go in safely except at high tide; and, as I stated, the Secretary of War now has under consideration the straightening of these two lines.

Mr. ESCH. Yes.

Col. BLACK. He has not announced his position yet; and on the New York side he is under consultation with the authorities of the city of New York to find out whether they will really do something if he will make the straightening. The New York authorities have done nothing toward longer piers except to petition for an extension

of the piers into the river. The Chelsea Pier contract was started in 1904, was it not, Mr. Bense?]

Mr. BENSEL. I think it began in 1906 [correcting himself]—1898.

Col. BLACK. They were occupied in 1909. So that since 1898 the city has done nothing.

The CHAIRMAN. Colonel, I would be glad if you would just read that report you have started to read, as we must accommodate these gentlemen who have come here from New York. And we are being criticized for holding hearings while a quorum is required in the House, and you can be heard at any time.

Col. BLACK. Yes, sir; I will confine myself strictly to this [reading]:

21. The change would, however, diminish the fairway now available for ships of 35-foot draft in the lower river. These ships require a depth of at least 40 feet for safe navigation. Opposite Franklin Street the fairway containing this depth is now only 1,100 feet wide, and this straightening would narrow it by about 132 feet. It is believed, however, that the advantage gained will be sufficient to offset this, since no irreparable harm to the river itself results. The further narrowing by 100 feet, as proposed in H. R. 26677, the board believes to be unnecessary and undesirable.

22. Incidentally the board deems it advisable to invite attention to the undesirability of legislative action in a matter of this kind. The authority to establish harbor lines has been vested by law in the Secretary of War. The establishment of such lines for any locality requires expert investigation and the exercise of a judgment which can not be infallible. Changes are required from time to time, and the reasons for a change can not, as a rule, be foreseen. A line fixed by legislation is relatively inflexible. Should Congress undertake this duty it would add to its labors very materially, since requests for changes are of constant occurrence. In this locality the introduction of H. R. 26677 has caused at once an agitation for the introduction of other bills relating to other localities in the vicinity, and its passage would be followed immediately by the introduction of such bills by all interests now dissatisfied with existing lines. Experience has shown that often the changes are desired for private ends rather than to meet public needs.

Mr. GOLDFOGLE. You do not believe that is true in this case?

Col. BLACK. I think this New York State commission has been working honestly. The only point of difference between the New York State commission and the board is that the board does not think the Chelsea reach should be narrowed further.

Mr. GOLDFOGLE. Yes; but the criticism just made by you in reading this paper did not apply to this particular proposition relating to the North River?

Col. BLACK. I did not have that in mind.

The CHAIRMAN. Mr. Bense, we are being criticized in the House for trying to hold a meeting of the committee during the session, and I want to ask you if you can not conveniently remain here until to-morrow morning and present your views to the committee at that time?

Br. BENSEL. I greatly regret, Mr. Chairman, that I have to leave the city this afternoon. It will not take me five minutes to present my views, and I have been here two days.

Mr. GOLDFOGLE. I should think we could hear him now.

Mr. CALDER. There are a good many gentlemen here whom we would like to hear.

STATEMENT OF HON. JOHN A. BENSEL, STATE ENGINEER OF NEW YORK.

Mr. BENSEL. The case has now, I think, Mr. Chairman, been put fairly before this committee exactly along the lines in which your inquiries showed that you desired to have.

First, in regard to why we appear before you while this matter is still under consideration by the Secretary of War: The House bill has been introduced; the hearing has been set for a certain date; and, without endeavoring in any way to disturb the operations of Congress, we have been invited to come here, and have come on an invitation from your committee.

The CHAIRMAN. We did not know the House was going to order the sessions to begin at 11 o'clock.

Mr. BENSEL. I was referring merely to whether or not the question should be permitted to remain with the Secretary of War. You are having a hearing, and, therefore, we are here to attend this hearing, because we understood that is what you wanted.

The CHAIRMAN. You may proceed.

Mr. BENSEL. The proposition, as I say, has been pretty well before you, because it comes down to my mind to this, that there is a difference of opinion between the Army engineers and the other engineers who have studied this problem. On account of this difference a certain man, eminent in the government of the State of New York and formerly a Member of Congress, has put forward a bill looking to congressional action to fix the limits of the encroachments on the river along the western side of Manhattan Island. The questions that are at variance between the Army engineers and the others who have studied the subject come down to the proposition of the denial of many of those features of the report of Col. Black as affecting this particular issue.

As, for instance, the city of New York and the State of New York claim that since 1898 the cross section of the river between the Jersey shore and the Manhattan Island shore has been added to and not decreased by the fact that the city of New York has by the condemnation of property and by the dredging of 6,000,000 yards of material removed this avenue to which the chairman has called attention to Thirteenth Avenue, along the western side of the city, as it formerly existed, and taken it out to sea on barges. We have recessed the bulkhead there at the middle distance of the Chelsea section, between its north and south ends, about 400 feet, as I recall it. This is what the city has done to meet the demands of commerce at that time; fixed the Chelsea terminal to meet every condition which could then, I think, fairly be foreseen. Conditions of the future can not be guarded against. In our generation we are not going to legislate for all time. In our opinion, as a commission to-day, we think that this particular request which we make for 100 feet will accommodate the ships, and so we ask Congress to fix it so that nothing but Congress can disturb it.

But, if you will recall, since they started the Panama Canal they have altered the size of the locks four times. There is nothing in the material world that is not subject to change. The proposition, for instance, Col. Black has called attention to in this particular report, the speed of the canal boats which will use the new State

Barge Canal, and that there will be severe interference on account of the increase of current, is a thing that, in so far as the State is concerned, we have not the slightest apprehension of. There will be no difficulty as to the barge canal boats taking care of themselves. So that is comes down to that question of a difference of opinion between the engineers of the Army on one side as to the facts and the engineers of the city of New York on the other.

It seems to me in that regard that it is perfectly proper—with my apologies to this committee—to have this matter taken up by the Members of Congress. The increase in the current of the Hudson River has been called attention to by Col. Black. I will not say anything as to his figures; but a wise man once said that there was nothing so unreliable to consider as figures, except facts. And in this particular regard we, as a commission and as a former dock commissioner and chief engineer of the dock department of the city of New York for a period of 15 years, I would say that I have yet to have brought to my attention by any of the transportation interests any suffering on their part on account of what the city had done in the lengthening of these piers and the consequent increase of current. In other words, that has been such a gradual increase that commerce has adapted itself to it; and I challenge any one in the city to prove that the commerce or the transportation interests have suffered by what has been done up to date in the building of piers, either on the New York or the New Jersey shore.

Mr. ESCH. Has the construction of tunnels under the Hudson diminished the congestion of traffic on the stream?

Mr. BENSEL. Is that a question?

Mr. ESCH. Yes.

Mr. BENSEL. No, sir. And I say now that there is no congestion of traffic on the stream. It has been said that the width of streams should be such that a ship on either side could be backed out at the same time. Such an operation has been successfully conducted since the extension has been placed on two of the Chelsea piers, and there has been no trouble. In other words, with the growth of the city, as with the growth of traffic on the land, there must be a regulation to accompany any changes which may be made, so that by regulation you shall be able to accomplish exactly the results which are wanted in the particular case; in the streets we have had to have such regulation; but in so far as the streams are concerned we have never had to have any yet.

In other words, there has been no change which is apparent to the users of the river by the operations of the city up to date; and I would call particular attention of this committee to the fact that 100 feet has been added by Secretary of War Dickinson to the Chelsea docks and transportation interests are unanimous in saying that they never would have known that it was there. It is this particular 100 feet of extension which the city and the State appear before you as desiring to maintain; and that is the reason of the appearance of those who come before you to-day.

I would be glad to answer any questions. I think that is all I have to say.

Mr. A. J. GRAYES. Mr. Chairman, as Col. Black referred to me as having made a certain statement, I would like permission to be heard.

The CHAIRMAN. Would it not be convenient for you to appear to-morrow?

Mr. GRYMES. It would not, Mr. Chairman.

Mr. GOLDFOGLE. I think, Mr. Chairman, that we could spare him a few minutes.

The CHAIRMAN. The only objection to it is that people in the House are criticizing us for trying to hold hearings while a quorum is needed. But you may go ahead.

STATEMENT OF A. J. GRYMES, OF NEW YORK CITY.

Mr. GRYMES. My name is A. J. Grymes.

Mr. GOLDFOGLE. State what body you represent, please.

Mr. GRYMES. I represent the Erie Railroad. Col. Black stated that I said at a recent hearing in New York that on account of the increased current—I am speaking from memory, Colonel—that the traffic had been seriously interfered with.

Col. BLACK. No, sir; I said nothing of the kind.

Mr. GRYMES. Would you mind stating what you did say?

Col. BLACK. The quotation is from the stenographer's notes. If you will permit me, gentlemen, I will read it. [Reads:]

In fact, it was stated at a public hearing by Mr. Grymes, representing the Erie Railroad, that to-day the harbor currents are so great as to restrict towing practically to the hours of favoring tides.

Mr. GRYMES. Yes, sir. Well, that statement was misconstrued or misunderstood. I did not say anything about the traffic being restricted. I stated that, as a matter of fact, the increased current—the increased velocity of the current—did not have such bearing on the commerce or transportation in the port of New York as the Army engineers insisted that it did have; that is, a detrimental effect. I stated that, as a matter of fact, about 80 per cent of the tonnage in the port of New York was moved on a favorable current; that it was moved on a down grade, which is certainly more favorable than even on a level plane. In other words, we go up the river on the flood tide and come back on the ebb tide with our tows, which can be easily arranged without any serious delay to the commerce. Hence, the increase in velocity in the stream that they speak of so much and insist is costing so much more to the transportation interests is not detrimental to any appreciable extent. About 20 per cent of the tonnage, I estimate it, is moved against the current, which can not very well wait until the tide changes. We go when it is ready to move.

Now, I think it is evident to you gentlemen, as well as to any other business body, that the commercial interests of New York, as well as at other places, are not going to kill the goose that lays the golden egg. If the granting of the application for the extension of these piers is going to interfere with the commerce of the port, they would not approve it simply because the White Star Line or the Hamburg-American Line or any other individual interests makes application to have their piers extended—to have the lines extended—I say there would be objection if it affected injuriously hundreds of other interests; and none have objected so far as we know, and if they did you gentlemen would hear of it. They think it is entirely

feasible and practicable to grant this application without interfering with any commercial interest. The Army engineers, of course, are in earnest and believe their action is necessary. But they can not say—and I do not believe that Co. Black will tell you to-day—that the present requirements of the port would be restricted by granting this application. He, apparently, is legislating for the future. Now, if it is found in the future that the extension of these piers would seriously interfere with the traffic of the port of New York, certainly some governing body will have the right to say that the ends we have been allowed to put on must and shall be cut off, just as the obstructions in the streets of New York to-day are being cut away.

It has been asked if the traffic or congestion on the North River had been decreased by the tunnels. Now, I beg leave to differ with Mr. Benschel. As a matter of fact, it has been decreased. Before the Pennsylvania tunnels were built they had ferry boats going up and down the river from the Jersey City terminal to Twenty-third Street approximately every 7½ minutes. In other words, 15 minutes headway from both sides of the river—going like the devil was after them. They have been cut off entirely; abandoned. Other ferry service has been decreased since the McAdoo tunnels have been put in operation. And the probabilities are that other tunnels will be built, and the traffic across the stream will be decreased, just as it has been in the East River, on account of the tunnels and the bridges. That has been very materially decreased, the ferry service has, which zigzagged across the East River 10 years ago.

Mr. DRISCOLL. How would a few bridges affect traffic across the river, if there were a few bridges across the river?

Mr. GRYMES. The North River, the Hudson River?

Mr. DRISCOLL. Yes.

Mr. GRYMES. Naturally it would decrease it; decrease the water transportation.

Mr. DRISCOLL. Do you think there is any possibility of a bridge across the North River within the next 10 or 15 years?

Mr. GRYMES. I heard the chairman of the New Jersey commission speak on that subject a few night ago, and he was enthusiastic, and thought there would be one within the next 10 years certainly.

To-day, Mr. Chairman, the navigation of the Hudson River is not interfered with to any extent by the temporary extension of the Chelsea piers. Now, as I understand it, it is simply the difference between making that permanent, or making void that permit; that is, dividing the members of the State commission and the city of New York on the one side, and the Army Board on the other. In other words, if that temporary permit is allowed to remain permanently, at least, as long as it is necessary, there will be no further difference between the two.

Mr. SMITH. Mr. Chairman, we have here, at quite a sacrifice to themselves, two presidents of the Pilots' Association of New York, who have to take the ships out to sea, and with your permission I would like to call Mr. E. W. Turnure, president of the New York Pilots' Association.

STATEMENT OF E. W. TURNURE, PRESIDENT NEW YORK PILOTS' ASSOCIATION.

Mr. TURNURE. Gentlemen, I have been a New York and Sandy Hook pilot for 32 years, and I have piloted all of the large ships that have ever come to the port—that is, at times. And since these Chelsea piers have been extended, I have been pilot of the largest ships that have come to New York, the *Lusitania*, the *Mauritania* and the *Olympic*, and those ships have never had any trouble going to or from their berths.

At the time we had the great naval parade in New York some time ago, there were 100 naval vessels got under way and proceeded to sea; and while those ships were going to sea, abreast of Pier 1, in New York Harbor, an express steamer came up past that fleet and went to the wharf. That shows you that there is plenty of room in that river. At the place where they want this extension of piers the deep water there is 3,080 feet wide. One hundred feet is not going to make much difference. Is that right, Col. Black, 3,080 feet?

Col. BLACK. No, sir; you are mistaken.

Mr. TURNURE. Is it not 2,800, then?

Col. BLACK. 2,800 feet.

Mr. TURNURE. Castle Point is 2,850 feet, is it not?

Col. BLACK. I would have to look on the map to tell.

Mr. TURNURE. Well, half a mile below that it is 3,000 and wider. Abreast of the Hamburg-American Line it is 3,080 feet. Where the Chelsea Pier extends is the narrowest part of the river. You say 3,040 feet? Then I missed it 40 feet.

And I hear a good deal of talk here about the congestion in the river. I have never seen any congestion in our rivers. We get a little crowded once in a while, and we stop or go slowly. You never see any collisions there—very few, at least—caused by lack of room in the river. Collisions happen, of course; collisions happen in the middle of the Atlantic; but there are no collisions that happen in the port of New York due to the lack of space. There is plenty of room for our ships; and I think if 100 feet was put on those piers over night that the next day not a pilot would notice it unless he would see the new construction.

Another thing; in the North River the towing has decreased in this sense: A few years ago we used to have great, large canal tows come down there. They came down the river and broke around into the East River. The custom is done away with.

Mr. ESCH. Well, when you have your 1,000-ton barge canal in full operation, would not that increase largely the commerce on the North River?

Mr. TURNURE. It will increase the commerce, but not nearly as much as the small canal boats. The small canal boats were towed in by a large tow. As I understand it, the 1,000-ton canal vessels will come down in smaller units. There will be one canal boat tow sent through; but as the custom used to be I have seen as many as 60.

Mr. CALDER. Half a mile long?

Mr. TURNURE. Yes, sir; but that custom is broken up; they break up the boats farther up the river.

Mr. ESCH. The testimony was that about 45 or 50 years ago the current at Chelsea Point was 2.6 miles an hour; that the current there is now 4 miles and a fraction. What effect would that increase of

current have on a vessel 1,000 feet in length, with a pilot attempting to walk her into her berth?

Mr. TURNURE. The only effect it would have would be the question of putting more power on the ship to break her around the wharf. All the larger ships have more power. I consider the *Olympic*, the *Mauritania*, or the *Lusitania* are just as easily handled ships as the ships of 10 years ago, when they were practically half as large, because they have increased their power, the finer lines, and the propellers are different.

Mr. ESCH. Well, you have to use tugs in getting them into their berths?

Mr. TURNURE. That is a question of putting more power onto the tugs; that is all.

Mr. ESCH. But you see no added difficulty by increasing the current through the restriction of the channel?

Mr. TURNURE. I have been a pilot 32 years, and I can fairly say that I can not tell there is any increase in the current. It may be so, but I can not notice it.

Mr. ESCH. I think that is admitted, both by the city and by the Army engineers.

Mr. TURNURE. I can not notice it.

Mr. ESCH. And the point with me is, whether that increasing of the current is a cause of increasing difficulty in handling ships in harbor, to and from their berths.

Mr. TURNURE. Of course, that is sure; the more current you get the more power you will need.

Mr. ESCH. You think another diminution of the width 100 feet will not have any material effect in getting vessels to and from their berths?

Mr. TURNURE. I do not.

Mr. ESCH. Notwithstanding an increase to 1,000 feet, which is likely?

Mr. TURNURE. Excuse me; that increase is already there now.

Mr. ESCH. Well, you have gotten up to 950.

Mr. TURNURE. We have got that 100 feet on two of the Chelsea piers.

Mr. CALDER. Two of the piers now.

Mr. TURNURE. And they do not intend to go any farther at that point.

Mr. ESCH. That is the narrowest part of the river?

Mr. TURNURE. Yes, sir.

Mr. CALDER. And that additional 100 feet has not apparently affected the channel?

Mr. TURNURE. Not that we can tell.

Mr. DRISCOLL. What is the narrowest width?

Mr. BENDEL. 2,800 or 2,900 feet.

Mr. SMITH. 2,760 feet.

Col. BLACK. You see those figures are not made necessarily—we have here 2,775 feet [indicating]; that seems to be the smallest figure given here. Then, the proposition of the commissions of New York and New Jersey would take 150 feet off that.

Mr. SMITH. That would leave it 2,650 feet.

Mr. BROUSSARD. Is that all the witness would like to state now?

Mr. TURNURE. Yes, sir.

STATEMENT OF J. F. HOPKINS, PRESIDENT NEW JERSEY PILOTS' ASSOCIATION.

Mr. HOPKINS. I have been a pilot in the city of New York 29 years and have handled all kinds of vessels, and my experience has been the same as Mr. Turnure's. The vessels of to-day, while they are practically twice as large as 25 years ago, have more power; and, where the ships formerly had one screw, now they have anywhere from two to three or four, and in backing out in the river you can come ahead on one set of screws and back on the screws on the other side and twist them around in less time than a ship 25 years ago could do. Therefore she blocks up the channel less than the ship 25 years ago—a ship half her size.

And at these Chelsea piers, while it is the narrowest part of the river, it is the widest part of the water for that class of ships, because it is navigable from the Jersey shore to the New York shore, whereas at Pier 14 the channel narrows to 1,500 feet, so that while it is the narrowest from dock to dock, it is the widest for ships of that class.

And whereas I heard some talk awhile ago of congestion, I have never seen any congestion. If there is anything in your way, all you have got to do is to slow up and wait until there is an opening, then go about your business.

And another thing is as to the relative position of these piers. The Hoboken piers are some distance below on the opposite side to the Chelsea piers. Therefore a ship backing out from Hoboken would not interfere with a ship backing out from the Chelsea piers, and, in fact, I have seen four or five ships back out at one time, and I can not see anything, from the point of view of one who has handled these ships, where the extension of the piers to the distance as asked by the harbor line board would impede navigation in any way. I do not think I have anything more to say.

Mr. STEVENS. There is one question I would like to ask you: In backing out from the Jersey side, how far over to the New York side do you go before you finally turn down and go downstream?

Mr. HOPKINS. That would be all dependent upon the state of the river. If the river was clear below, naturally you would back over to the New York side. Down below the channel narrows to 1,300 or 1,400 feet, so that you would back over to the New York shore as closely as possible, provided there was nothing in the way, so that when the ship turns you would be on the New York side, because as you go below you have got to go over there to get the water.

Mr. STEVENS. Would the New York ships correspondingly go to the New Jersey side?

Mr. HOPKINS. Not unless they wanted to make a quicker turn. As to how a ship would back out from one side or the other would depend on the condition of the river.

Mr. CALDER. Have you ever sailed any ships in the other great ports of the world?

Mr. HOPKINS. No, sir.

Mr. CALDER. I was going to ask you about the fairway in these other great ports.

Mr. HOPKINS. All I know is from hearsay. I understand from hearsay that New York is wonderfully favored by the conditions;

that at the other ports where they back out from the docks the channel is much narrower than New York. I do not know personally.

Mr. SMITH. Mr. Dalzell is here; he represents the largest towing company in New York.

The CHAIRMAN. You have not any witnesses who can wait until to-morrow?

Mr. SMITH. I believe not, Mr. Chairman, because these gentlemen have been very kind and at a sacrifice to their business to come here.

The CHAIRMAN. We are having a conflict between our demands from you and our demands from the House; we should like to hear you, however.

Mr. SMITH. That is very kind, Mr. Chairman.

The CHAIRMAN. I will call attention to the fact that we published on each of these cards that if we did not finish a hearing on the morning set, we would continue it the next day.

Mr. SMITH. Well, sir, there may be some of the gentlemen here who can remain over until to-morrow morning. I believe that, with Mr. Dalzell, you will have had all the testimony you need.

The CHAIRMAN. Those of you who have not spoken, as well as those of you who have spoken, may prepare and file for printing in our hearings such statement as you desire to make.

Mr. SMITH. Yes, sir.

The CHAIRMAN. And those of you who have spoken may revise and extend your remarks.

Mr. SMITH. Yes, sir.

Mr. BROUSSARD. Mr. Chairman, there are gentlemen here from the New Jersey side who may want to file papers.

The CHAIRMAN. Yes; that is all right. Any gentleman who has any paper bearing on the subject from either side will hand it to the stenographer.

Mr. DRISCOLL. I think we ought to hear from Mr. Dalzell.

The CHAIRMAN. There is leave for everybody to print.

Mr. DRISCOLL. Is Col. Black going to give any testimony now or in future?

The CHAIRMAN. We can not disregard the rules of the House.

Mr. STEVENS. I would like to hear Mr. Dalzell now.

STATEMENT OF FRED B. DALZELL, PRESIDENT NATIONAL BOARD OF STEAM NAVIGATION.

Mr. DALZELL. I presume I might be called a practical towboat man in New York Harbor. My business calls upon me to furnish tugs to assist these large steamers in docking and undocking and for the purpose of towing vessels of all descriptions in and about both rivers in the harbor of New York and subsidiary waters thereto. That experience covers a period of 33 years that I have been in the business.

Reference has been made to a current of 2½ knots in 1853. I was not here then, but in my time the means of carrying cargoes to these various ships was by sailing lighters principally, which could sail up and down both rivers and land their cargoes at the piers without the aid of any motive power. That time and that condition has materially changed; the tides have increased and it has been necessary to increase the power of the craft that handle these vessels to get them in and out of the docks. And we find no difficulty, being progressive

people, in increasing our power commensurate with the increase in the size of the vessel demanding our assistance. The new and improved steamship, being the twin screw, is very much easier to handle now than the ship with the single screw, being able in backing out a ship to use on engine to go back and the other to go ahead. That is as good as half a dozen tugboats assisting her in pushing around. Now, we have towed vessels up and down the North River before this extension of 100 feet at the Chelsea district, and we have not noticed any appreciable difference since that extension has been placed there, because the tide ebbs and flows through that extension and does not stop and form an eddy.

I was interested in Col. Black's statement of theoretical facts and a law which requires vessels going up and down rivers to keep 300 feet off from the ends of the docks, which is a law. But necessity makes law, and Col. Black, if he does go up and down the river, as I know he does, will find that when we are towing vessels against an adverse tide we are forced to disregard the law, to go close to the ends of the piers to take advantage of any possible eddy. Now, if we all went 300 feet from the end of the docks we would be in collision all the time if we followed the law—

Col. BLACK (interposing). Mr. Dalzell, I would like to say, as a passenger on the ferries, that I would like to put you in jail every time I catch you at it.

Mr. DALZELL. There are some people who would like to put New York out of business. But practical men—never mind the theory—practical people are the people who should be the best judges of what the necessities of the merchants are. Theory and engineering problems are all right; laws are all right. But you Congressmen can not make laws to fit every case.

The CHAIRMAN. Had we better not repeal that law in order to remove the danger of Col. Black putting you in jail?

Mr. DALZELL. No, sir; we are not afraid of Col. Black; he is too good a friend of ours.

The CHAIRMAN. Well, somebody else might do it.

Mr. DALZELL. We are not afraid. But necessity is the mother of invention. We have to meet the necessity and we do not have much trouble. For the great commerce there is in the city of New York I think there are fewer collisions than at any port in the world that I have heard of. For instance, at the Hudson-Fulton celebration there were 1,066 vessels, steam vessels, from the largest steamboat that goes down the Long Island Sound to motor boats—all in operation from the Narrows to above Grant's tomb. One hundred and twenty-sixth Street, and not a single accident occurred.

Practically the only time that accidents occur with navigators in the rivers is when there are only two vessels present—never by congestion. That shows that the navigator is careless; but when necessity requires him to be cautious they always steer clear of each other.

And the straightening of this line, to my mind as a steamboat man, would be very much better than the jagged piers that we have now, causing eddies to interfere with you. The piers, Col. Black will attest, are lengthened every day 200 feet or more, as you will find when you accept this invitation of the harbor commission. You will find that on the end of a pier, which is probably 600 feet long, there are from four to eight lighters, each with a beam of 40 feet, sticking out

into the river, making an improvised pier, which is a great deal worse than a permanent structure, because we in landing a ship must land on the end of this improvised pier, which consists of the barges I speak of. Two of them may be close together; the next two may be separated from each other about a foot or 2 feet; and when we land on this temporary structure they come together, and we sometimes squeeze or sink a barge.

Those are the conditions in New York. If the Army engineers could find a means to police the harbor and prevent this lengthening of the piers temporarily they would be doing a better service to all than they are by trying to keep us from lengthening the piers so as to make proper conditions to suit the needs of the commerce of the port. Thank you.

The CHAIRMAN. Are there any other gentlemen to be heard?

Mr. GOLDFOOLE. Judge MacLean wishes to make a brief statement.

Judge MACLEAN. As appears from his letter read to-day, the Secretary of War has misunderstood the facts as to drafting the Sulzer bill. That bill was carefully drawn and definitely fixed the pierhead line. The alternative line, also considered, was a part of the line south of Pier 10. To draw the alternative line it would have been necessary to know the distance from the new line opposite Pier 10 to the present line at that pier. This exact distance was not known to the draftsman, nor was it known to the dock department or the Army engineers. It would have been easy to scale the distance on a map and adopt the empirical result, as is done by the engineers. This the draftsman did not consider accurate enough. He therefore described the line in the bill so as to define it accurately and leave no doubt as to the intended location of the line.

The commission of the State of New Jersey has recommended, with the sanction of Gov. Wilson, an extension of the pier line there, and the New Jersey commission proposes that there should be added to this bill now under consideration the following:

That the line on the New Jersey side be fixed, by metes and bounds, to agree with the line made by the commission of the State of New Jersey, approved by the governor of New Jersey.

The CHAIRMAN. Does Gov. Wilson know of these statutes placing the authority in the War Department to lengthen those lines?

Judge MACLEAN. I presume he does, from my very scanty accounts.

The CHAIRMAN. I doubt if he knows it now, but I prophesy that he will before long.

Judge MACLEAN. And, so far as the board of trade and transportation is concerned, we merely request this committee to obtain as speedily as possible from the Secretary consideration of this matter and the report thereon; and if that be favorable to the request of those especially concerned in this, that will be accepted by us with great pleasure. If it be not favorable to this extension, then we ask that Congress, on the recommendation of this committee, take speedy action to relieve the predicament into which we have fallen and that we have that relief before the coming summer.

Mr. PALMER CAMPBELL. Mr. Chairman, I would just like to introduce the mayor of Hoboken, who desires to extend an invitation to this committee. We promise that you will be well treated. Mayor Gaynor was there once, but he only got half shot.

The CHAIRMAN. We will be glad to hear the mayor. I will say that Mayor Gaynor wrote us a very urgent letter about this matter, but did not extend us an invitation to visit New York.

Mr. SMITH. The mayor came over to Washington last week, but he was unable to see you gentlemen; he was tied down and had to return to New York at once.

The CHAIRMAN. Let us hear the mayor.

STATEMENT OF HON. MARTIN COOKE, MAYOR OF HOBOKEN, N. J.

Mr. COOKE. I would ask you, when you are giving consideration to the Sulzer bill and also the Goldfogle bill, not to forget the New Jersey side.

Mr. STEVENS. In what way will your proposition be presented?

Mr. COOKE. I believe the New Jersey commission, in conjunction with the New York commission, have something in view. Hoboken is only 1 mile square, and there is not much of us taken alongside of New York; but we have some very important steamship interests on our eastern boundary.

Mr. CAMPBELL. They agree to take in an amendment that is approved by the New Jersey commission.

Mr. COOKE. We have the Hamburg-American Line, the North German Lloyd, the Holland-American Steamship Line, the Scandinavian Line, and the Phoenix Line. Those lines—while it may not be material to you, it is material to us in Hoboken—they pay one-tenth of the taxes collected by our city. I have no interest in the steamships, as I have only a 4 by 6 butcher shop down at the end of the city.

The CHAIRMAN. You will need something of that sort when we come to see you.

Mr. COOKE. I have passing my place 4,000 or 5,000 men a day going to work on those piers, and some of them have worked there 10 or 15 years; and there has been a rumor that we might lose some of those steamship companies if the pier lines are not extended. That would work a great hardship to Hoboken, and I would not like to see any action taken that would injure Hoboken. I support this bill.

I will tell the people of Hoboken how you gentlemen take such an interest in it.

Mr. STEVENS. Do you gentlemen wish to file any more papers?

The CHAIRMAN. Any additional papers may be filed with the stenographer.

Mr. STEVENS. Mr. Chairman, just one thing more. I think before these gentlemen disperse we should know what further Col. Black or the War Department cares to submit to us. Colonel, what more do you desire to state to us before we ask you anything further?

Col. BLACK. Gentlemen, I am the servant of Congress and am ready to do anything you wish. The Secretary of War has not had an opportunity to consider the report to you at all on this amended bill.

Mr. STEVENS. So that you would not care to say anything further now?

The CHAIRMAN. Col. Black, is not the most of your showing documentary?

Col. BLACK. That is all I am authorized to give.

The CHAIRMAN. Well, is it not probable that all the report you will want to make will be documentary?

Col. BLACK. Yes, sir.

The CHAIRMAN. Then, I should think, gentlemen, that, as most of the showing of the War Department will be documentary, that can be simply presented and printed in the hearings.

Mr. STEVENS. But we wanted these gentlemen to hear it; we wanted them to get face to face, as they have done to-day.

The CHAIRMAN. Yes.

Mr. STEVENS. And we wanted to know what further Col. Black is going to say, so as to give them an opportunity to reply.

Mr. SMITH. I would like to ask Col. Black whether or not the deepening of the channel would not increase the channel?

Col. BLACK. That channel is rather deep now; and there is a deepening needed below, which ought to be made after straightening the lines.

Thereupon, at 12.45 p. m. the committee adjourned.

[Inclosure A.]

WAR DEPARTMENT,
OFFICE OF THE NEW YORK HARBOR LINE BOARD,
New York City, February 25, 1911.

CHIEF OF ENGINEERS, UNITED STATES ARMY,
Washington, D. C.

SIR: 1. By your indorsement of December 9, 1910 (43600/203), there was referred to the New York harbor line board for investigation and report an application to the Secretary of War by the International Mercantile Marine Co., dated December 5, 1910, for permission to extend by about 100 feet two of its piers in the Chelsea district, North River, New York City.

2. There was also referred to the board for consideration and report, by department, indorsement of January 10, 1911 (1916/95), an application to the Secretary of War by the riparian commission of New Jersey, dated January 5, 1911, renewing its application of March 26, 1908, for extension of the pierhead line on the North River from Fifteenth Street, Jersey City, to Weehawken Cove, and asking that its application be heard at the same time as that of the International Mercantile Marine Co. for extension of piers on the New York side of North River.

3. The board on January 25 and 26, 1911, gave public hearings in the above cases, to which all parties in interest as far as they could be ascertained, were invited. (See Appendices A and B.) On January 18, 1911, on the application of the International Mercantile Marine Co., Capt. E. J. Smith, of the White Star steamer *Adriatic*, was permitted to give his testimony in advance of the public hearing, owing to the fact that he would be away from New York on the dates of such hearings. His testimony was reported stenographically, was read in full at the hearing of January 25, and is forwarded herewith. (Appendix C.)

4. In this connection attention is invited to the remarks at the hearing of Hon. Calvin Tompkins, commissioner of docks of the city of New York, found on page 64 of the stenographer's report of the hearing held on January 25, 1911, showing a general straightening and extension of pierhead lines desired by the city at and to the north and south of the Chelsea section. Attention is also invited to the request of the Cunard Steamship Co. for extension by 100 feet of their Piers Nos. 54 and 56 in the Chelsea section, North River, given on page 13 of the report of the hearing of January 25-26, 1911 (Appendix A), and to that of the Compagnie Generale Transatlantique for a similar extension of their Pier No. 57, given on page 14 of the same appendix.

5. Inasmuch as the extension of the pierhead lines in the Chelsea district has been made the subject of a number of applications by various parties between 1902 and the application above referred to, which have been uniformly denied by the Secretary of War, and inasmuch as this application has been very ex-

tensively advocated and has been the subject of numerous articles in the public press, the board deems it advisable to give a short review of the history of the pierhead lines along North River, N. Y., up to the present time.

6. On March 30, 1855, the Legislature of the State of New York enacted a law entitled "An act for the preservation of the harbor of New York from encroachments, and to prevent obstructions to the necessary navigation thereof." Under this act five commissioners were appointed to consider and recommend to the State legislature the location of pier and bulkhead lines. On the application of this board of commissioners the United States authorities appointed an advisory council to act with the commissioners, composed of Gen. J. G. Totten, Chief of Engineers, United States Army; Prof. A. D. Bache, Superintendent of the United States Coast and Geodetic Survey; Commander C. H. Davis, United States Navy; and Capt. W. H. Benham, United States Army, the last of whom ceased to act with the council after its first meeting.

7. In a letter dated December 1, 1855, considered by the council at its first meeting, the harbor commissioners stated:

"Desirous to avail themselves of the highest professional skill and the most matured experience in hydraulics and the observance of the action of tides and currents and the formation of shoals, the commissioners have invited your advice and assistance in the discharge of the duties assigned to them."

The commissioners then detailed certain information which they laid before the advisory council, and added:

"In deliberating upon a proper water line, the commissioners respectfully request that you will keep in view—

"First. That the preservation of the free navigation of the harbor is regarded by the legislature as the object of paramount importance, and that other questions and interests are subordinate to that object.

"Second. That it is desirable that existing structures should not be disturbed, except in cases where they interfere with or are of serious detriment to navigation.

"Third. The importance of projecting the exterior lines as far into the rivers and bay as is consistent with the free navigation of the harbor, in order that ample space may be had for the construction of docks and basins, to meet the demands of commerce."

8. The advisory council submitted its report under date of December 29, 1855. It was signed by Gen. Totten, Prof. Bache, and Commander Davis. They detailed the sources of information available, including "memorials of committees of the legislature of New York and New Jersey and of the State engineers; the legislative discussions concerning the appointment of the present board of commissioners; and, finally, all letters and newspaper articles concerning the harbor within reach."

9. In commenting on the letter of instructions from the Harbor Commission, they state:

"If we had been left to the exercise of our unaided judgment, we should have assumed the same ground of action—that the preservation of the harbor in all its usefulness was the primary object, but that this object should be accomplished, as far as possible, without the disturbance of private rights, and with a just appreciation of the wants of the future."

Each of the spaces or lines have been considered in three ways: First, topographically, with regard to the formation of the shore, whether artificial or natural, or both combined; second, hydrographically, in relation to the depth of water, the form of the bottom, the position of the channel, the velocity of the tidal currents, the nature of the section, etc.; thirdly, economically, in relation to the accommodation of shipping, the suitability of the structures, the best mode of appropriating the space, the degree of protection, and the existing state of things.

10. Then they described the pier and bulkhead lines which they recommend. After describing the lines between Thirtieth and Seventy-fifth Streets on the North River, they state:

"We further recommend that all the water accommodation outside these last two lines be furnished in the form of wet basins, the idea of which will be given under the heading 'Docks'; and also that the open spaces, comprised, one between Troy Street and Bank Street, the other between Gansevoort Street and Twelfth Street, be retained for the same purpose."

11. Later in the report is found the following paragraph on the subject:

"In the preceding branch of this report we have proposed to retain and preserve certain open spaces in the North and East Rivers for wet docks or basins,

and to adopt a system of basins along the front of the North River above Hammond Street. It does not enter into our design to prevent any plans of basins, or to describe in any detail the mode of dividing the water spaces where they are to be constructed."

12. In a paragraph which follows they recommend the construction of wet basins:

"But immense as this harbor is there is a limit to its capacity, and to what may be called its natural resources. The system of wet basins must be adopted sooner or later even here.

"If this is admitted, and it be further considered how much they add to method and dispatch, which are the living principles of business, it will, we think, be deemed no more than prudent to begin now to recognize the expediency of adopting them, and of conserving such basins as may yet be easily and cheaply used in their construction, of guarding against possible future necessity of excavating, as in London, the inhabited land at an enormous cost to make room for shipping * * *."

To all this it may be added, that the exposure of the city water front on the North River to the wind and to ice is such that wet basins would be even more useful here than in some better protected parts of the city.

13. The board of harbor commissioners submitted two reports to the legislature, one dated January 8, 1856, and one dated January 29, 1857. The following extracts from the report of the harbor commissioners are of interest:

"It is of primary importance to the harbor that the capacity of the river as a tidal reservoir be maintained, because it is on the volume of the water returning to the ocean that we must depend to keep open the channels at Sandy Hook. If the river be contracted in its width, or its capacity, in any manner, be materially diminished, either by the improper extension of docks or the formation of shoals, the quantity of water flowing in on the flood tides will be lessened, and consequently the scouring influence of the ebb will be so far impaired. The experience of European engineers has taught them that no cause has been so efficient in the destruction of harbors as the partial exclusion of tidal waters, and that the only mode of restoring them to usefulness is by the removal of obstructions to the progress of the tides, whether such obstructions be the projection of artificial works into the stream or sudden changes in its bed. In determining them, the limits for structures on the Hudson, there are two objects to be kept in view; first, the general capacity of the river as a tidal reservoir, and secondly, the areas of its several characteristic sections, and the varied velocities of its currents. Whatever may seriously interfere with the propagation of the tidal wave, or that shall unduly contract the volume of the flood, ought to be removed; while on the other hand, structures may safely be created on hollow curves, or where no material impediment is formed to the passage of the current * * *."

In describing proper limits to solid filling and for the construction of piers, the commissioners have endeavored so to perform this duty that while no injury should ensue to the navigation of the harbor the vested interests of riparian owners should be respected and abundant provision be made for the accommodation of shipping. But as respects a large portion of Thirteenth Avenue (exterior street of city of New York), established pursuant to chapter 182 of laws of 1837, whatever may be the private interests of the riparian owners, the necessity of cutting it off is absolute and imperative. * * * The channels, which are governed in their course by the direction of the currents, are on the easterly side of the river.

14. From the testimony taken by the commissioners at a hearing on February 20, 1856, may be quoted the following by Edmund Blunt, an official of the United States Coast Survey:

Q. Is there reason to apprehend any injury to the upper waters of the Hudson River from the further extension of piers into that river at New York?—A. There is great reason to apprehend serious injury to the upper portion of the river from the further extension of piers about its entrance. The volume of water would, by the further extension of piers, be decreased. The periods of rest of high and low water would be increased in duration in all the bays and coves along the river; consequently there would be a greater deposit, and ultimately they would fill up.

Q. Do you think any injury has yet been done to the upper part of the river from encroachments at New York?—A. I do; in all the bays and coves of the river through its whole length.

Q. Have the waters of the river at Newburgh and Poughkeepsie been injuriously affected by the encroachments at New York?—A. I have no doubt they have, though to a less extent than in the bays of the river. Newburgh and Poughkeepsie are not properly situated out of the line of the river. At Sing Sing and Peekskill the water is much shallower, and has become so from the cause to which I alluded. If the obstacles at New York be increased, there will inevitably be further injury to the upper waters of the river, for the area of still water will be increased, and consequently the deposit of material held in solution will be greater. The effect ultimately will be to narrow the channel and produce a more sluggish stream.

Q. Does the tidal wave now reach Albany in its former strength and volume?—A. It does not, in my opinion, and from the causes to which I have alluded—namely, the encroachments at New York.

Q. Is it an injury to the navigation of the river so far as it diminished?—A. It is not only injurious to the upper portion of the river, but also to the lower parts thereof and to the bay of New York, for it is on the scouring effects of the ebb tide that we must depend to keep the harbor free from shoals, and if the waters brought in by the tidal wave be diminished there will be a corresponding diminution of the waters on the ebb.

15. The reports of the commissioners were accepted and their recommendations were enacted into a law (chap. 763, Laws of New York in 1857).

16. The harbor lines recommended by this commission and adopted for the New York side of the river reduced the width of the river materially as shown in the accompanying table inserted at page 9.

17. Negotiations had been entered into with the State of New Jersey looking to the adoption of the lines recommended by the advisory council for the Jersey shore, but these failed of enactment.

18. Under an act passed April 11, 1864, the State of New Jersey established the riparian commission of New Jersey. This commission laid down various harbor lines for the New Jersey shore of the Hudson River, in 1865, 1872, 1875, and 1882. These lines were generally in advance of those recommended by the advisory council of 1855 and the encroachment on the river formed by them and the diminution of the fairway are shown by the table.

19. In 1871 the Legislature of the State of New York authorized the department of docks of New York City to establish harbor lines with the approval of the sinking-fund commission. These lines were prepared on plans submitted by George B. McClellan, engineer in chief of the department of docks, who states in his letter of transmittal that in the preparation of the plans he was assisted by Gen. Humphries and Gen. Gillmore. These lines for the Hudson River extended from Pier No. 1 at the Battery as far as Fifty-ninth Street. Lines from Fifty-fifth Street to Spuyten Duyvil had previously been established by the park commissioners under an act passed April 22, 1868, and these lines apparently were adopted by the sinking-fund commission above Fifty-ninth Street. The advances caused by the lines thus established in 1871 on the lines of 1855, as well as the resulting fairway widths of the river, are given in the table.

20. In the act of August 11, 1888, Congress authorized the Secretary of War to establish harbor lines where it is made manifest to him that their establishment "is essential to the preservation and protection of harbors." Pursuant to this act the New York Harbor Line Board was constituted on October 5, 1888. In 1890 the question of a revision of the harbor lines on the Hudson River was considered by the board, which recommended the adoption for the New Jersey shore of the lines adopted by the riparian commission of New Jersey and for the New York shore of the lines as adopted by the department of docks, pierhead line from Pier No. 1 to West Twenty-third Street was thrown farther out in the river. The changes are shown in the table. The recommendations of the harbor-line board were approved by the Secretary of War April 25, 1890.

21. In 1897 the harbor-line board considered favorably applications for further modifications of the pierhead lines made by the dock department of New York for the New York shore, and by the riparian commission of New Jersey for the opposite shore. The modifications recommended were approved by the Secretary of War March 2 and May 18, 1897. The changes in the fairway of the river thus made are shown in the following table. These modifications are the last which have been recommended by the harbor-line board, which, since that date, has steadily opposed any further diminution of the fairway of the river.

Table showing progressive diminution of width of Hudson River as scaled from map A-312, New York Harbor Line Board.

Location.	Advisory council to New York Harbor commission, 1868, New York Legislature, 1867.			Riparian commission of New Jersey, 1865 to 1882.			Department of docks and sinking fund commission, 1871.			New York Harbor Line Board confirmed by Secretary of War, 1890.			New York Harbor Line Board confirmed by Secretary of War, 1897.		
	Referred to shore line map, 1867.			Referred to lines proposed by advisory council, 1867.			Referred to lines of 1865.			Referred to lines of 1871.			Referred to lines of 1890.		
	Bulk-head line.	Pier-head line.	Fair-way.	Bulk-head line.	Pier-head line.	Fair-way.	Bulk-head line.	Pier-head line.	Fair-way.	Bulk-head line.	Pier-head line.	Fair-way.	Bulk-head line.	Pier-head line.	Fair-way.
NEW YORK.															
Battery Place.....	580	1,125	3,980	3,980	3,980	3,980	3,980	3,980	3,980	3,980	3,980	3,980	3,980	3,980	3,980
Duane Street.....	1,246	1,800	3,840	3,840	3,840	3,840	3,840	3,840	3,840	3,840	3,840	3,840	3,840	3,840	3,840
West Front Street.....	1,360	1,900	3,800	3,800	3,800	3,800	3,800	3,800	3,800	3,800	3,800	3,800	3,800	3,800	3,800
West Front Street.....	1,500	2,000	3,760	3,760	3,760	3,760	3,760	3,760	3,760	3,760	3,760	3,760	3,760	3,760	3,760
West Twenty-third Street.....	1,600	2,100	3,720	3,720	3,720	3,720	3,720	3,720	3,720	3,720	3,720	3,720	3,720	3,720	3,720
West Twenty-third Street.....	1,700	2,200	3,680	3,680	3,680	3,680	3,680	3,680	3,680	3,680	3,680	3,680	3,680	3,680	3,680
West Fifty-fifth Street.....	1,800	2,300	3,640	3,640	3,640	3,640	3,640	3,640	3,640	3,640	3,640	3,640	3,640	3,640	3,640
West Fifty-fifth Street.....	1,900	2,400	3,600	3,600	3,600	3,600	3,600	3,600	3,600	3,600	3,600	3,600	3,600	3,600	3,600
West Sixty-first Street.....	2,000	2,500	3,560	3,560	3,560	3,560	3,560	3,560	3,560	3,560	3,560	3,560	3,560	3,560	3,560
West Seventy-second Street.....	2,100	2,600	3,520	3,520	3,520	3,520	3,520	3,520	3,520	3,520	3,520	3,520	3,520	3,520	3,520
NEW JERSEY.															
Communipaw Ferry.....	1,400	2,000	3,980	3,980	3,980	3,980	3,980	3,980	3,980	3,980	3,980	3,980	3,980	3,980	3,980
Favonia Ferry.....	1,500	2,100	3,870	3,870	3,870	3,870	3,870	3,870	3,870	3,870	3,870	3,870	3,870	3,870	3,870
Robeson Ferry.....	1,600	2,200	3,760	3,760	3,760	3,760	3,760	3,760	3,760	3,760	3,760	3,760	3,760	3,760	3,760
Greenwich Ferry.....	1,700	2,300	3,650	3,650	3,650	3,650	3,650	3,650	3,650	3,650	3,650	3,650	3,650	3,650	3,650
New York, Lake Erie Western docks.....	1,800	2,400	3,540	3,540	3,540	3,540	3,540	3,540	3,540	3,540	3,540	3,540	3,540	3,540	3,540
West Shore R. R.	1,900	2,500	3,430	3,430	3,430	3,430	3,430	3,430	3,430	3,430	3,430	3,430	3,430	3,430	3,430
Greenwich.....	2,000	2,600	3,320	3,320	3,320	3,320	3,320	3,320	3,320	3,320	3,320	3,320	3,320	3,320	3,320

1 No bulkhead line recommended between West Eleventh and West Fourteenth Streets. Recommended by advisory council, New York Harbor commissioners, but not adopted by New Jersey.

2 No pier proposed by Gen. McClellan between Eleventh and Eighteenth Streets.

Further applications made from time to time as follows:

In 1902 the department of docks and ferries of the city of New York applied for extension of the pierhead line from a point in the present pierhead line at Canal Street to a point in the pierhead line at the southerly side of West Thirtieth Street, which would narrow the navigable channel in the vicinity of Castle Point by about 200 feet. This application was denied by the Secretary of War, Hon. Elihu Root, on December 9, 1903.

The department of docks of New York made application on March 3, 1904, for a similar extension, and this was denied by the Secretary of War, Hon. William H. Taft, on March 31, 1904.

The department of docks made a third application for an extension on March 26, 1908, which was denied by the Secretary of War, Hon. Luke Wright, on July 17, 1908.

On February 2, 1910, an application for extension of pierhead line was made by the International Mercantile Marine Co. This application was denied by the Secretary of War, Hon. J. M. Dickinson, on March 14, 1910.

22. The application was renewed by the International Mercantile Marine Co. on December 5, 1910, and was referred to the New York Harbor Line Board for investigation and report.

23. The extensions made by the dock department of New York in 1870 appear to have been made largely for the purpose of affording opportunity for the construction of a "continuous permanent reservoir, so located as to widen the river street very considerably." Gen. McClellan, the engineer in chief of that department at the time, reported, in part, as follows:

The question of the locations of the river wall and pierhead line of the new arrangement has been very carefully considered by Gen. Humphries and myself, and in view of its effect upon the harbor. We have acted with all the light afforded by the data in the possession of the United States Coast Survey as well as much new and useful information obtained by the surveying parties of this department. We find that the proposed location now here reduces the cross section of the river to an area in any case approaching those of the controlling section of the two rivers, so that the new location will not diminish in an appreciable degree the amount of the tidal wave, nor consequently the scouring effect of the returning ebb; an entirely different condition obtains from the probable results of various proposed changes on the New Jersey shore.

The lines might, except that at Corlears Hook on the East River and between Eleventh and Eighteenth Streets, North River, be thrown still farther out without injury to the harbor. But it is believed that the proposed river street, 250 feet in width on the North River and on the East River 200 feet in width from the foot of Whitehall Street to Thirty-first Street, and then 175 feet in width, will afford ample facilities for all the future requirements of business, while an increase of that width would materially enhance the cost of construction.

On the North River, from the Battery to Eleventh Street, the proposed pierhead line has been thrown out so far as to give the new piers the same general length as they have in the present arrangement; the same rule is followed in the lower part of East River, carefully avoiding any obstructions to navigation in the vicinity of Corlears Hook.

On the North River, above Eleventh Street, there are no piers proposed until Eighteenth Street is reached, where the piers begin again and gradually increase in length until Twenty-third Street is reached, where they attain a length of 500 feet and preserve that length as far as Sixty-first Street, beyond which point the new arrangement has not yet been laid down. In no case will they be extended so far as to interfere with navigation.

24. In 1871 the dock department of New York definitely adopted a policy of a system of piers extending practically on the shortest line between the pierhead and bulkhead lines with slips between them, except for the space between Eleventh and Eighteenth Streets, North River. The subsequent extension of the pierhead line, as well as the subsequent applications for extensions, have all been caused by this policy under which the maximum distance between the pierhead and bulkhead lines establishes a limit of the length of ships which can make use of the piers. Vessels now using the harbor have a maximum length of 790 feet. The applications now under consideration states that the Olympic, launched on October 20, 1910, and expected to be used in trans-

Atlantic traffic of the port of New York, has an extreme length of 882 feet 6 inches.

25. Since the date of this application it is reported that the Cunard Line has under construction a ship having a length of 900 feet. It is evident that the extreme length of ship possible has not yet been reached, while under the present adopted policy of pier construction on Manhattan Island the maximum length of pier between the existing harbor lines and normal to the longitudinal street system of the island on the North River has already been exceeded by the length of ships under construction.

26. The slips between the piers are intended to be wide enough to accommodate two ships, with room between for lighters. From the testimony as shown in the stenographer's report on pages 75, 76, 77 (Appendix A), the width of slips occupied by the White Star Line is shown to be insufficient for use with safety by two large vessels. Before the Chelsea piers were constructed the possible advent of these large vessels was anticipated, and the records show that at that time a statement was made that it was probable that 1,000-foot piers would be needed in the near future by the dock department of New York. Despite this fact, and despite the refusal of the department in 1902 to extend the pierhead line farther, the Chelsea piers were designed and constructed for the accommodation of the very companies which anticipated the necessity for the larger ships. These piers were first occupied in February, 1910, after the keel of at least one of the new vessels had been laid. Up to the present time it would appear that, with the exception of making requests on the War Department to extend the pierhead line, no effort has been made to provide accommodations suitable for the vessels then under construction.

27. The injuries to the harbor which result from an undue extension of the pierhead and bulkhead lines into the river may be classified under the following headings, viz:

First. Injurious changes in the regimen of the stream, causing changes in the current velocity; eddies and cross currents; diminution in the height of the induced tidal wave of the river; diminution of the volume of flood flow in the river, and a consequent reduction of the tidal prism above, causing a deterioration of the channels in the upper river and in those below the narrowed section.

Second. Diminution of the width of fairway and consequent increased danger of collisions and delays of river traffic.

28. The board has made such investigation as has been possible into these subjects, but finds that there is a deficiency of data. No comprehensive surveys have been made of the lower Hudson since 1885. The operations of the Engineer Department have been restricted to investigations into the conditions of certain harbors in the lower river and to the general improvement of the Hudson between the town of Hudson, 100 miles north of New York, and Waterford, 39 miles above Hudson. For this reach of the river full information is available, but this reach is at the head of the tidal section and partakes more of the nature of a tidal stream than of an estuary, as is the river below, and the condition of the channels in this reach is more the result of floods in the upper river than of the tidal conditions. In this upper reach the actual range of tide is greater now than in 1855, 2.88 feet at Albany now as against 2.43 feet in 1855. This, however, is the natural result of the increase of channel capacity in this reach due to the work of improvement carried on. Changes which may be attributed justly to the diminution of channel widths at New York must be sought in the lower river, where the tidal influences are preponderant.

29. From the publications of the United States Coast and Geodetic Survey, it is found that there has been practically no change in the rate of progress of the tidal wave between Governors Island and Titoli (16 miles below Hudson) since 1855, and no change in the charts of the Coast and Geodetic Survey, from 1855 to Hudson River at a point above Yonkers, at Fort Montgomery, and at Poughkeepsie, as given by the charts of the Coast and Geodetic Survey, from 1855 to 1861 (at which sections the channel extends from bank to bank), with cross sections at the same points taken from surveys in 1903 to 1905, there is found practically no change. It is then fair to assume that no injurious effects on the river to the north of the city limits were found which can be ascribed with certainty to the extension of the harbor lines at New York.

30. Opposite New York comparisons have been made of the river at Forty-third Street, Castle Point, and Fulton Street, as between surveys of 1855 and

1900. Since, due to the methods employed in the construction of the piers in New York and their occupation by shipping, the only area available for current flow is that between the pierhead lines, these areas only are considered. At Forty-third Street the area in 1855 was 144,000 square feet. This has been diminished by 16,000 square feet. The area of the Castle Point section has been increased, by a general deepening, by 18,500 square feet. The area opposite Fulton Street has been decreased 2,200 square feet. The maximum velocities of the ebb currents for the upper 12 feet for 1855 and 1903 in the section opposite Forty-first Street are respectively, in feet per second, 3.69 and 4.18. This incomplete data shows a net increase of 0.49 foot per second, or one-third of a statute mile per hour. These changes may justly be attributed to the successive extensions of pierhead lines. They show that the extensions already made apparently have increased the difficulties of navigation by an increase of current velocities.

31. The hearings developed considerable testimony relating to the amount of fairway taken up by large steamships in docking and undocking, and the period of time during which they occupied a position more or less across the fairway, and obstructed the free movement of other craft in their vicinity. Information regarding the density of traffic by tugs, lighters, railroad floats, steamboats, ferryboats, canal boats, and craft of whatever description was very meager. In order that the board should not be without some data on this important question of general traffic, it undertook an investigation on its own account in December, 1910, and January, 1911, which included:

First, Instrumental determination of paths of certain vessels in docking and undocking in the narrower portion of the Hudson River.

Second, Paths followed by vessels in docking and undocking when the weather was too hazy for instrumental observation.

Third, Compilation from available data of the daily navigation through Chelsea district, Hudson River, by ferries, excursion boats, Hudson River lines, and railroad floats.

32. Under favorable weather conditions the paths followed by six large trans-Atlantic liners in docking and undocking were determined by transit observations from the shore. Five of the ships were outbound, one of them inbound. Essential data regarding the names of these vessels, their length, stage of tide, width of fairway taken up in maneuvering, and the time in which the vessels occupied a position more or less across the current are given in appendix herewith marked "D." As indicated in this table, the greatest width of fairway taken up by any one vessel was 1,300 feet out from the adjacent shore, the minimum 1,100 feet; average for the six vessels, 1,150 feet. The time of maneuver ranged from 8 minutes 20 seconds to 17 minutes, with an average of 11 minutes 42 seconds. In addition to the above observations, 14 other arrivals and departures were carefully observed by experienced men, and the spaces occupied in their maneuvers estimated as closely as possible. The essential data obtained from these observations is incorporated in Appendix E. As shown therein, the width of fairway occupied by these 14 arrivals and departures varied from 550 feet to 1,600 feet of the fairway, an average of 1,070 feet. The corresponding times of maneuver ranged from 5 minutes 20 seconds to 28 minutes 10 seconds, an average of 11 minutes 28 seconds. These latter results, though submitted as approximate only, are fairly accordant with the more precise observations obtained by means of the transit.

33. All the maneuvers recorded above were made under reasonably favorable conditions and may be regarded as affording a fair conception of average practice. But it must not be forgotten that there are instances on record where a steamship has utilized a greater portion of the river width, has consumed a longer time in straightening up, and has drifted broadside with the tide a half mile or more up or down stream, constituting for many minutes an almost complete obstacle to through navigation on one side of the river. A recent newspaper report contained an account of a collision—not serious—between two trans-Atlantic steamships in the lower portion of North River, showing the possibility of such accidents in the present width of the fairway. These are, however, exceptions to the average experience, and are not regarded as entitled to very great weight in arriving at a decision upon the immediate question at issue.

34. The captains of the ships whose maneuvers were investigated were not told of these observations, and probably did not know that the paths of their

ships were being plotted. The maps are, therefore, fairly representative of the width of waterway they normally use and the time they require to maneuver twin-screw vessels under favorable conditions. The width given in the table must not be regarded as the minimum, since it is quite likely that any one of the vessels mentioned could have kept herself within one and one-half ship lengths from the adjacent shore if there had been any special reason for close work. The results of the board's observations confirm the statements of shipmasters that the modern twin-screw vessels can maneuver within a width of channel one and one-half times the ship's length. So far, therefore, as steamships alone are concerned, two of which are rarely in the river at the same time except on popular sailing days, it would appear that the piers on both sides of the river might safely be extended, not only to the 100 feet asked for, but even a greater distance when the demand for still longer piers becomes imperative.

But, as will be shown later on, the width of the fairway required for navigation in North River is dependent not so much upon the seagoing ships, but upon all other craft operating in this vicinity, which number, in the aggregate, a vast total, compared with the relatively small number of steamships which come and go periodically.

35. A large seagoing steamship is usually under perfect control at all times through her own power or through the aid of assisting tugs, but is not susceptible of quick control. Her speed is acquired or checked very slowly, and her maneuver in docking and undocking occupies a considerable period of time, the ship possessing, in effect, the character of a floating island, which all craft must carefully steer clear of in order to avert a collision, which would not be likely to do much harm to the steamship but might be fatal to the smaller and trailer craft. The practical result is that the steamship from the moment that she begins to back out of the slip or begins the maneuver to enter the slip has, to all intents and purposes, the right of way over all other vessels. It is, therefore, the general traffic on the river, rather than the steamships themselves, that must suffer most by a diminution of the fairway.

36. The density of the general traffic on the North River in the vicinity of the Chelsea piers may be inferred from data obtained in Appendix F, herewith, which gives in tabulated form the number of tugboats, car floats, self-propelling lighters, canal boats, barges, scows, ferryboats, and all other vessels crossing a line in prolongation of West Twenty-third Street between the hours of 6 a. m. and 6 p. m. on February 17, 1911. The data given in this table was collected by the borough president of Manhattan, who has very courteously placed the information at the disposal of the board. Examining the last column therein, it is seen that between the hours of 10 and 11 a. m., when many of the steamers are scheduled to sail, the total number of vessels observed to cross the line referred to from the north and south was 108, or nearly 2 per minute. The lowest for any hour was 76, between the period of 12 hours, 120, between 5 and 6; the total number observed during the period of 12 hours, not including the half hour between 12 and 12.30, was 1,045, or an average of 91 per hour, or 1 1/2 per minute, throughout the period of 12 hours. On the same day, February 17, 1911, 900 vessels passed northbound and 913 southbound across a section of lower North River opposite Pier No. 13, Manhattan, during the time 6 a. m. to 6 p. m., an average of 5 vessels every 2 minutes.

37. In this connection the following tables are appended:

Appendix G, daily navigation through the Chelsea district by ferries, Hudson River lines, excursions, and railroads.

Appendix H, regular traffic of railroads, lighters, and barges.

Appendices I, K, L, M show other pertinent data relating to the steamships and steam-ferry traffic of the North River.

38. It will be noted that in a single day during which traffic was observed, February 17, 1911 (Appendix F), none of the excursion lines to the seaside resorts around New York nor the lines running up the North River nor the canal traffic of the upper Hudson River was in operation. The frequency of the passage of excursion boats, Hudson River lines, and boats of the character that ply the river only a part of the year during the summer months is shown on the table which accompanies this report (Appendix G).

39. The International Mercantile Marine Co. have made the statement in their letter of application that the construction of the Hudson River tunnels by the Pennsylvania Railroad would diminish this traffic. This statement is not supported by any facts introduced at the hearing. The construction of the

tunnels will diminish the passenger traffic across North River; but, as they carry no freight, will have no influence on the freight traffic, which, as heretofore, will be carried across the river by lighters. In the opinion of the board, the lighterage of railroad freight is destined to increase as the commerce of New York increases. Truck traffic across ferries will increase with the growth of the municipalities on the two sides of the river; coal traffic in barges will increase; traffic by canal boats will surely increase far beyond what it now is when the new Erie and Champlain Canals are completed; excursion boats will constantly on the increase; and recently the suggestion has been made that express steamers, to run between the extreme upper part of Manhattan and the down-town districts, be put in commission in order to relieve the congestion of traffic over the rapid-transit lines. That the importance of the general traffic and the number of vessels to be accommodated will increase is as certain as is the future growth of New York City, and it is no stretch of imagination to say that it may be more than double what it is now when the population of Greater New York reaches the 10,000,000 mark. With jealous regard for present traffic, but more particularly for the larger commerce that is certain to develop in the not distant future, the board is of the opinion that a very grave mistake would be made in yielding any portion of the existing area of waterway between pierhead lines for the construction of piers so long as the longest steamships can be provided with suitable wharf accommodations at other points, even though to do so will require a radical change in the system of constructing docks straight out from the shore, which has been in vogue up to the present time.

40. The steamship companies which have applied for the extension of piers raise the point that the berthing of their ships at the Chelsea piers furnishes the most convenient place on Manhattan Island for access to the hotel accommodations needed by their passengers in arriving and departing. The board has collated data in regard to the location of hotels on Manhattan Island, these hotels containing an aggregate of about 50,000 rooms. From this data it appears that the center of the hotel district is about at the corner of Sixth Avenue and Forty-second Street. This would indicate that if the steamships were berthed anywhere between Fortieth and Fifty-seventh Streets the passengers could as easily reach their hotels as they are at present arranged as from the Chelsea piers. In addition, it may be said that the two great railroad terminals in New York City are situated at Seventh Avenue and Thirty-second to Thirty-third Streets and at Forty-second Street and Madison Avenue.

41. The board is reliably informed that one of the new steamers—the *Olympic*—is expected to reach New York Harbor for its first time about June 20, 1911, or in about four months' time. The contention that the new steamers can not be taken care of anywhere except at the Chelsea piers does not seem warranted when it is considered that the piers at the Bush terminals in South Brooklyn, those at Staten Island, and those at Manhattan Island north of Fortieth Street could certainly be made available for temporary use in four months' time. The convenience of passengers would be amply met at the piers referred to on Manhattan Island. At or near both the other sites the municipal ferries are close by to convey passengers, baggage, etc., to and from South Ferry, Manhattan Island. While these places are herein referred to as possible sites for temporary berths, it is not the province of this board to suggest the solution of the problem for the best use of the water front of New York Harbor, but there appears to be no reason to doubt that the authorities intrusted with that duty can and will solve it satisfactorily without encroaching further on the navigable waters of this great harbor.

42. There was originally referred to the board in this present case only the application of the International Mercantile Marine Co. Since that time the board has received, by your reference, an application from the riparian commission of New Jersey for extension of the pierhead line on the New Jersey side of the North River, and three other applications made directly to the board in the course of the public hearings in the present case. Two are from the Cunard Steamship Co. and the Compagnie Generale Transatlantique for a 100-foot extension of their docks, which adjoin those of the International Mercantile Marine Co. in the Chelsea district. The third is an application of the New York Dock Department for extension of the entire pierhead line on the New York side of the North River from the Battery to Ninety-ninth Street. Should any of these applications be granted, it is fair to assume that

the demand for encroachments will continue indefinitely until the fairway of this great harbor will be so reduced as to destroy its preeminence as the greatest port in the Western Hemisphere.

43. An examination of the statements made by several of those who attended the hearings will show that they are alive to the fact that these encroachments should stop, and methods are proposed to insure this result. In this connection attention is invited to the letter of the Secretary of War of March 14, 1910, to Vice President Franklin of the International Mercantile Marine Co., denying a former application for extending two of his company's docks in the Chelsea district, of which his present application is practically a renewal. In the letter referred to, the Secretary of War stated that the most question of extensions in the North River in the former cases had been most carefully considered and that the War Department had reached the decision that no further encroachments upon the waterways of this part of the harbor of New York would be permitted. He further stated that "this decision must be considered final and irrevocable."

44. The board finds that the only new condition that has arisen since this decision was announced by the Secretary of War is the discontinuance of one ferry line, namely, the Pennsylvania Railroad ferry to Twenty-third Street, Manhattan, and it is the opinion of the board that this change does not warrant a modification in the decision of the War Department.

45. A very large number of communications for and against the application have been received by the board directly. These are forwarded herewith as indicated on the accompanying list of appendices.

46. In conclusion this board recommends that both the applications of the International Mercantile Marine Co. and the riparian commission of New Jersey be denied. It further recommends that the department of docks of the city of New York, the Cunard Steamship Co., and the Compagnie Generale Transatlantique be notified that their applications for changes in the harbor lines on North River in New York Harbor are not favorably considered.

Respectfully submitted.

WM. T. ROSSSELL,
Colonel, Corps of Engineers.
W. M. BLACK,
Colonel, Corps of Engineers.
S. W. ROESSLER,
Colonel, Corps of Engineers.

APPENDIX D.

Channel width taken up and time consumed by twin-screw steamships of largest size in docking and undocking, as determined from accurate data.

Name of steamer.	Length in feet.	Inbound or out-bound.	Time of tide.	Maneuver extended out from pierhead line.	Time of maneuver and period during which vessel obstructed other navigation.
					<i>Fed.</i> <i>Min. sec.</i>
Pennsylvania.....	560	Outbound.	1 hour 26 minutes before high.....	1,100	9 40
Rhein.....	620	do.	2 hours 35 minutes before high.....	1,300	8 35
Cincinnati.....	600	do.	2 hours after high.....	1,100	13 20
America.....	680	do.	3 hours 20 minutes after high.....	1,150	8 20
Lapland.....	620	do.	57 minutes before low.....	1,150	17
Lusitania.....	790	Inbound.	2 hours 25 minutes before high.....	1,100	13 20
Average.....				1,150	11 42

APPENDIX E.

Channel width taken up and time consumed by large steamships in docking and undocking. Distances from shore and strength of tide estimated.

Name of steamer.	Length Inbound or outbound.	Time of tide.	Maneuver extended out from pierhead line.	Time of maneuver and period during which vessel obstructed other navigation.	Remarks.
				<i>Fet.</i> <i>Min.</i> <i>Sec.</i>	
Minnehaha.....	615	Outbound	Slack water.....	800 13 20	
Ratavia.....	501	.....do.....	14 minutes flood.....	1,100 16 00	
Adriatic.....	709	.....do.....	14 minutes ebb.....	1,150 16 20	
Caronia.....	476	.....do.....	1 minute flood.....	1,000 7 40	
Königin Louise.....	544	.....do.....	1 minute flood.....	1,200 45	
Bohemian.....	.....	Inbound.....	Light flood.....	900 28 10	Had to turn before entering slip.
Gothland.....	504	Outbound	14 minutes flood.....	800 3 40	
Lusitania (Jan. 10).....	790	.....do.....	Start of flood.....	700 6 00	
Campania.....	620	.....do.....	.....do.....	1,300 5 20	
Kronland.....	560	.....do.....	.....do.....	1,000 20	Had to turn part way round to make slip.
Ancon.....	490	Inbound.....	Strong flood.....	1,900 19 00	
Lusitania (Dec. 23).....	790	Outbound	21 minutes ebb.....	1,600 8 5	
St. Louis.....	554	Inbound.....	Last of ebb.....	550 8 30	
Moorland.....	586	Outbound.....	.....do.....	1,600 12 30	
Average.....	.....	.....	.....	1,070 11 28	

[Inclosure B.]

CURRENT OBSERVATIONS.

1. In paragraph 30 of the New York Harbor Line Board's report of February 25, 1911, against advancement of pierhead lines in the Chelsea district, reference is made to changes in cross sectional areas and current velocities which have taken place at certain points of the lower Hudson, as the fairway has been gradually encroached upon by solid filling and pier extension in past years. The further data obtained since the aforesaid report was submitted includes cross section soundings and current observations at three sections about one mile apart, the upper section being in line with Fifty-second Street, Manhattan; the middle section between Castle Stevens and the Chelsea piers, where the stream is narrowest; and the third section, in line with Barclay Street. The locations of the sections are shown on the chart herewith. The plotted cross sections are shown in the upper portion of the same drawing. On the same sections have been placed the corresponding soundings obtained in the years 1845, 1855, 1874, and 1882 at or near the line of the 1912 soundings, so as to afford a graphical illustration of the changes which have taken place in the bed of the river at these sections during the years for which observations are available. The computed areas for the cross sections at different dates are given in convenient tabulated form on the same chart.

2. Referring to the section at Fifty-second Street, it will be seen that there has been an apparent deepening of the channel on the New Jersey shore during the period of 1874 and 1912, but not in amount sufficient to compensate for the lateral contraction due to pier extension, as shown by table of cross section areas. In 1874 the cross sectional area at this point between the then existing pierhead lines was 125,728 square feet, while the corresponding area between pierhead lines as established in 1912 is 120,695 square feet, representing a reduction in sectional area of 5,033 square feet, or about 4 per cent, and implying a corresponding increase in current velocity, if it be assumed the tidal flow is substantially unchanged.

3. Referring to the Chelsea section, it will be seen that the lines representing the soundings for 1912 show considerable scouring in the river bed throughout its entire width during the period 1845 to 1912; a scouring sufficiently great, as

shown by the computed cross section areas, to more than compensate for the lateral contraction due to reclamation and pier extension, the area of the cross section in 1874 between the then existing pierhead lines being 144,116 square feet as against 159,979 square feet between the present pierhead lines in the year 1912.

4. In the Barclay Street section there is evidence of a tendency to accumulate a deposit on the Jersey side of the section and to scour close to the Manhattan side, the scouring generally predominating over the fill, but not in sufficient amount to compensate for the gradual reduction in the fairway by the pier extension. In 1874 the area of the section between the then existing pierhead lines was 154,398 square feet. In 1912 the corresponding area between present pierhead lines was 142,040 square feet, showing a reduction in the effective cross section through which the tide ebbs and flows of 11,458 square feet, which reduction implies a corresponding increase in velocity of current to carry the tidal flow.

5. In each of the above sections velocity measurements have been made, three stations being occupied simultaneously in each section. Only maximum velocities were taken, both at the ebb and flood. The results of these observations are incorporated on the lower portion of the same drawing. The velocities there plotted indicate the maximum obtained during a single lunar hour in that one of the three stations occupied in which the greatest velocities were observed. As would naturally be expected, the gradual encroachments of the river upon the fairway have resulted in an increase in the maximum ebb current. Thus in the Barclay Street section the maximum ebb velocity in 1858 was 2.96, with a 4.4-foot range in tide; in 1912 the maximum ebb velocity was 5.55, with a range of 4 feet in the tide. At the Chelsea section only two velocity measurements are available—those of 1874 and 1912. In 1874, with a range of 4 feet in the tide, the maximum ebb velocity was found to be 4.05 feet; in 1912, with a range of 5.4 feet in the tide, a velocity of 5.78 feet was observed. At or near the Fifty-second Street section the maximum ebb velocity in 1858 was 3.68 feet per second, with a tidal range of 4.2 feet; in 1874, 4.29 feet per second, with a tidal range of 3.6 feet; in 1885, 5.10 feet, with a range of 4.2 feet; in 1912, 5.88 feet, with a range of 4.1 feet in the tide. These comparisons are not absolutely indicative of the relative maximum velocities for the different years, since ebb velocity is affected by the force and direction of the wind, the extent of freshets coming down the river, and other conditions which have not been taken account of; but the results clearly indicate a general increase in the current due to successive reductions in the width of the river between pier lines on the two sides of the river.

6. In obtaining the above-mentioned velocities in 1912, the approximate location of the point of swiftest current in each section was determined as closely as practicable, and the three sections were then occupied simultaneously by current observation parties at the points where the swiftest current was developed in the first set of observations, and the results of these latter observations are given in the small chart herewith. Referring thereto it will be seen that the simultaneous maximum velocities in 1 lunar hour during ebb were 5.58 feet a second at the Fifty-second Street section at a depth of 5 feet below the surface; 4.75 feet at the Chelsea section at a depth of 25 to 30 feet below the surface; and 4.30 feet at the Barclay Street section at a depth of 5 feet below the surface on December 26. Similar observations for the December 27 showed the maximum velocity at 5 feet below the surface at the Fifty-second Street section to be 5.93 feet per second; at the Chelsea section 5.86 feet per second; and at the Barclay Street section 5.98 feet per second.

THE HUDSON RIVER IMPROVEMENT ASSOCIATION OF NEW JERSEY.
New York City, January 26, 1913.

Mr. W. J. DAVIS,
Clerk Interstate and Foreign Commerce Committee,
United States House of Representatives, Washington, D. C.

MY DEAR SIR: As secretary of the organization, I was a listener at the hearings on the Sulzer bill, held in committee room before Judge Adamson on Friday last.

I was introduced to you, as you remember, by Hon. Michael E. Driscoll, of New York, who is a friend of mine.

Our association incloses herewith a memorandum to be filed with the request to insert in the proceedings held on Friday last. If you will please make it a part of the record you will confer a great favor.

I also request that you kindly send me two copies of the proceedings before this committee.

Thanking you in advance for the courtesy, we beg to remain,

Very sincerely, yours,

HUDSON RIVER IMPROVEMENT ASSOCIATION.
CLARENCE T. BIRKETT, Secretary.

HON. WILLIAM C. ADAMSON,
Chairman of the Committee on Interstate and Foreign Commerce,
Washington, D. C.

DEAR SIR: Our organization objects to any extension of the present pier-head line limits on the Manhattan side of the Hudson River if it will in any way interfere with the granting on the New Jersey side of a much-needed extension of 300 feet, commencing at a point just north of Weehawken, running in a northerly direction parallel to the old pier-head line established April 7, 1903, and continuing up to a point nearly opposite Fort Lee.

Several large and growing industries in the borough of Edgewater whose tonnage runs into the millions annually have docks scarcely 300 feet long, and they are constantly employing vessels 400 or 500 feet in length, and sometimes longer, in this trade. The only way these vessels, which are so much longer than the piers, can discharge their cargoes is to rig up platforms at the side of the vessels, which are expensive and consume time, and at the best is but a makeshift. It more often happens that vessels of large size arriving with cargo refuse to dock at such piers, fearing damage to their hulls and propellers, when they project out 100 or 200 feet in the river beyond the pier, unprotected by anything and open to every danger.

In cases where owners will not allow their vessels to dock, or can not, as is often the case, the cargo has to be lightered. In many cases the cargoes run as high as 10,000 tons, and the cost of lightering is \$0.45 per ton, the expense with each shipload of this kind is \$4,500, all of which could be saved if the piers were of sufficient length to accommodate the vessels properly.

Seven great trunk lines have their freight terminus on the New Jersey side of the Hudson very near where the extension of this pierhead line is asked; freight to and from the United States is on its way. It can be stored or loaded on steamers directly out of cars or held in storage awaiting disposition in this zone at the port of New York, cheaper in every way as regards the cost of handling and storing than any other location in this great harbor if the facilities were supplied. A plan has been evolved and taken shape to develop upon the broadest lines possible great terminals which will occupy all of the available water front between Weehawken and Edgewater, whereby all commodities will be handled directly from cars to ships and ships to cars and the very latest inventions for the economical handling of freights will be installed. It will have a great tendency to remove entirely the charge for lighterage of \$0.60 per ton, which has been a tax upon all shippers and militated gravely against New York as a port of export. This proposed development will add a number of piers that will accommodate all kinds of shipping and furnish economical and unsurpassed facilities for loading and unloading.

This great plan will certainly be carried out within a reasonable time if this extension is granted.

The water in front of this proposed development is very shallow and would have to be dredged, and in its present state is useless for most kinds of shipping. The river at this location is not at all congested with traffic, and it is also the widest part of the river opposite Manhattan, averaging over 3,000 feet between pierhead lines. Our outline embraces the most comprehensive plan for the rapid and inexpensive handling of all kinds of commerce and is continent-wide in its benefits.

THE HUDSON RIVER IMPROVEMENT ASSOCIATION OF NEW JERSEY,
CLARENCE T. BIRKETT, Secretary,
91 William Street, New York City.

JANUARY 24, 1913.

COMMISSION TO INVESTIGATE
PORT CONDITIONS AND PIER EXTENSIONS IN NEW YORK HARBOR,
New York City, January 23, 1913.

HON. WILLIAM C. ADAMSON,
Chairman Committee on Interstate and Foreign Commerce,
Washington, D. C.

DEAR SIR: This commission asks leave to file with your committee as a reference during your deliberations on H. R. 20677, first, copy of chapter 734, General Laws of the State of New York, 1911, from which the following extract is taken:

"SECTION 1. A commission is hereby created, whose membership shall consist of three persons of experience and skill in matters relating to the construction and operation of port facilities, both rail and water. * * * The commission may cooperate with any commissioner or commissioners either appointed by the governor of the State of New Jersey or by the President of the United States. The objects and purposes of the commission hereby created being to make a thorough investigation of port conditions in this country and abroad, with special reference to remedial measures affecting the port of New York. * * * Pierhead lines and the needed extension thereof, the harmonizing of the relations of water and rail carriers, port charges, and the proper method of reducing the same. The adoption of modern methods. * * * The commissioners appointed pursuant to this act shall make a report to the governor, or may, in its discretion, concur with any such commissioner or commissioners in a report to the President of the United States or to the governor of the State of New Jersey, recommending the proper policy that shall be pursued for the best interests of the entire port of New York, and the legislation, State and Federal, that will be necessary to make said recommendations effective."

Accompanying this is a copy of our report, with accompanying map, made to Gov. Dix on July 22, 1912.

Without reciting details of the work of 18 months, which resulted in this report, I wish to call your attention to the fact that the report only deals with that part of the harbor on the Hudson River from Pier 1 at the Battery to West Fifty-ninth Street. This territory is at present occupied by many trans-Atlantic lines, Government and domestic water lines, and freight and passenger terminals of railroads.

The railroads furnish the daily food supply of the city. They can not be disturbed until other suitable locations are provided. We are cooperating with the city authorities in the readjustment of the whole water front, which must be carried out without disturbing the daily movement of foodstuffs, domestic freight, and passengers.

You will note on the map of the report that the existing pierhead line above Thirtieth Street is not involved. This commission has planned with the city to set aside a space north of Forty-second Street to accommodate steamships of 1,200 feet in length. This is to meet the demand for future length.

South of and below Thirtieth Street our line takes in the temporary piers authorized by Secretary of War Dickinson. The permit for this temporary extension expires in May of this year. These temporary extensions are 100 feet, and so far as any change in the river is concerned they might never have existed, notwithstanding the fact they are at the narrowest part of the river in the Chelsea section.

The line south of Twelfth Street straightens the bow in the existing pierhead line. If this readjustment is made the city can extend piers now there to 1,050 feet. The piers in the bow which may be extended are occupied mainly by railroads, many of which are under long-term leases. Until the whole line recommended by us is established the city can not complete plans for an adequate modern steamship terminal.

The report of the Army engineers to Secretary Stimson indicates that they do not fully understand the procedure necessary to make this modern steamship terminal contemplated by the city a fact.

The readjustment of the line recommended by this commission would enable the city to accommodate the increasing demand of steamship lines and railroads with longer piers, and in a measure enable the city to accommodate some of the many applicants now seeking facilities in the harbor.

Such readjustment of the pierhead line would relieve the congestion now existing which makes the cost of the transfer of freight excessive.

The details of this feature of the problem is one that you can best understand by an individual inspection.

It is my understanding that the Secretary of War favors the readjustment of the pierhead line from Twelfth Street to Pier 1, provided it starts and finishes on the established line, but that does not give us the essential start to solve our problem. It will really only help to confuse. Anything that does not perpetuate the accommodation now at the Chelsea section throws us back to the beginning and makes it necessary to start all over again. The permanency of this temporary accommodation is absolutely essential.

The Chelsea Piers are the finest in the world and cost nearly \$23,000,000, but the necessity of the additional 100 feet now there temporarily could not be foreseen any more than the Government could foresee that their dry docks would not accommodate the big battleships which had been authorized and which called for two or three dock extensions at the navy yard to accommodate the increased type of battleship.

When the city improved the Chelsea section it cut inshore 400 feet. It dredged the slips to a depth of 40 feet. It also dredged outside the pierhead line and paid for work that in other communities the Government appropriates money for under direction of the Army engineers. Experts will tell you that the cross section has been increased and the tidal prism has not been appreciably affected.

This commission learned at the hearing before your committee for the first time the reasons for opposing H. R. 26677, and the Secretary of War might very properly object to extending the pierhead line 100 feet into the river opposite Pier 1. The New York Board of Trade and Transportation, at whose instance the bill (H. R. 26677) was introduced has, through Justice McLean, representing that association before your committee, submitted amendments which will make the lines described in H. R. 26677 conform to the lines adopted by the State commission, concurred in by the New Jersey commission in joint session, approved by Gov. Dix, and forwarded to President Taft.

A congressional joint resolution is now before President Taft to appoint a member of the Army Engineering Corps to sit with this commission and the New Jersey harbor commission. I inclose copy of the resolution. This should enable us to find an adjustment of port problems without calling upon Congress to act in anything else except in the present section in which the Chelsea Piers are located and without which we can make no progress.

Our recommendations and petitions for relief in this section should have received the approval of the Secretary of War long before now. It would relieve the harbor line board from future demands for the extension of pierhead lines in this section. The city stands committed to not again ask for rearrangement in this section.

The argument that if Congress acts in this matter that other ports will try this method is not well founded. No changes in laws are contemplated. We ask Congress to referee in a big difference of opinion, the State and city of New York on one hand and the three Army engineers constituting the New York Harbor Line Board on the other.

Yours, very truly,

R. A. C. SMITH, *Chairman.*

A PRELIMINARY REPORT OF THE NEW YORK STATE COMMISSION TO INVESTIGATE PORT CONDITIONS AND PIER EXTENSIONS IN NEW YORK HARBOR, JULY 22, 1912.

[Commissioners: R. A. C. Smith, John A. Bense, Calvin Tomkins.]

To his excellency, Hon. JOHN A. DIX,

Governor of the State of New York.

SIR: The commission appointed by you under chapter 734, General Laws of 1911, to investigate port conditions and pier extensions in New York Harbor, respectfully submits the following report, with an accompanying map, which is the result of investigations made to date and after conference with Federal, State, and municipal officials and influential bodies of the State and city of New York.

Your commission finds terminal facilities at the port of New York are inadequate. Numerous applications from transportation lines for dock facilities can not be granted as a consequence of the lack of docks.

A general impression prevails that the port is unduly congested. The absurdity of this is apparent, in view of the 790 miles of potential wharfage in the entire port—only a trifling portion of which has so far been improved and availed of. Too many carriers have sought location in one section, along the west side of Manhattan, and this has resulted in temporary overcrowding there, which can readily be cured by proper organization.

The opening of the Panama and State barge canals will add to the demand for dock accommodation.

The need for longer piers to accommodate modern express steamships is insistent, and provision must be made at Manhattan to accommodate the larger ships now being built for New York service.

An act of the legislature, made law by your signature, permits the city to relocate Gansevoort Market. This will enable the city to build two long piers that will accommodate steamships 900 feet in length, which will afford needed relief, and your commission urges the prompt construction of these piers by the city. These proposed piers are south of and immediately adjoin the Chelsea piers, which at present afford the only accommodations for large modern steamers at Manhattan.

Your commission recommends the relocation of the present pierhead line between Thirtieth Street and the Battery, as shown on the map. This change will straighten the existing line, will afford immediate relief by permitting the extension of the present Chelsea piers, and will in time also enable the city to construct long piers along the west side of lower Manhattan to accommodate steamers of greater length. The map shows this possibility of constructing a general terminal for berthing long steamers.

The map also shows the possibility of locating long piers on the west side of Manhattan between Forty-second and Fifty-ninth Streets. The exigencies of port organization are so imperative, and the desirability of demonstrating to the Federal authorities that the city and State are determined to progressively provide permanent and adequate terminals for express steamers at Manhattan is so evident, that your commission deems it expedient to show all practicable opportunities for the construction of long piers at Manhattan, both by excavating inshore and by building further out into the river. This is the more necessary by reason of the delays already incurred by the city through failure to adopt comprehensive development plans. Whether piers 1,000 feet long or over should be located uptown or downtown, or both uptown and downtown, can be subsequently determined. In the downtown section there will be encountered the difficulties attendant upon reorganization. In the uptown section there are the disadvantages and expense of withdrawing that water front from its present use and adapting it to new uses.

If this report shall meet with your approval, your commission respectfully recommends that the map accompanying it be approved and forwarded to the President of the United States, with a request that it be referred to the Secretary of War.

Respectfully,

R. A. C. SMITH.
JOHN A. BENSEL.
CALVIN TOMKINS.

JULY 22, 1912.

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TITLE**